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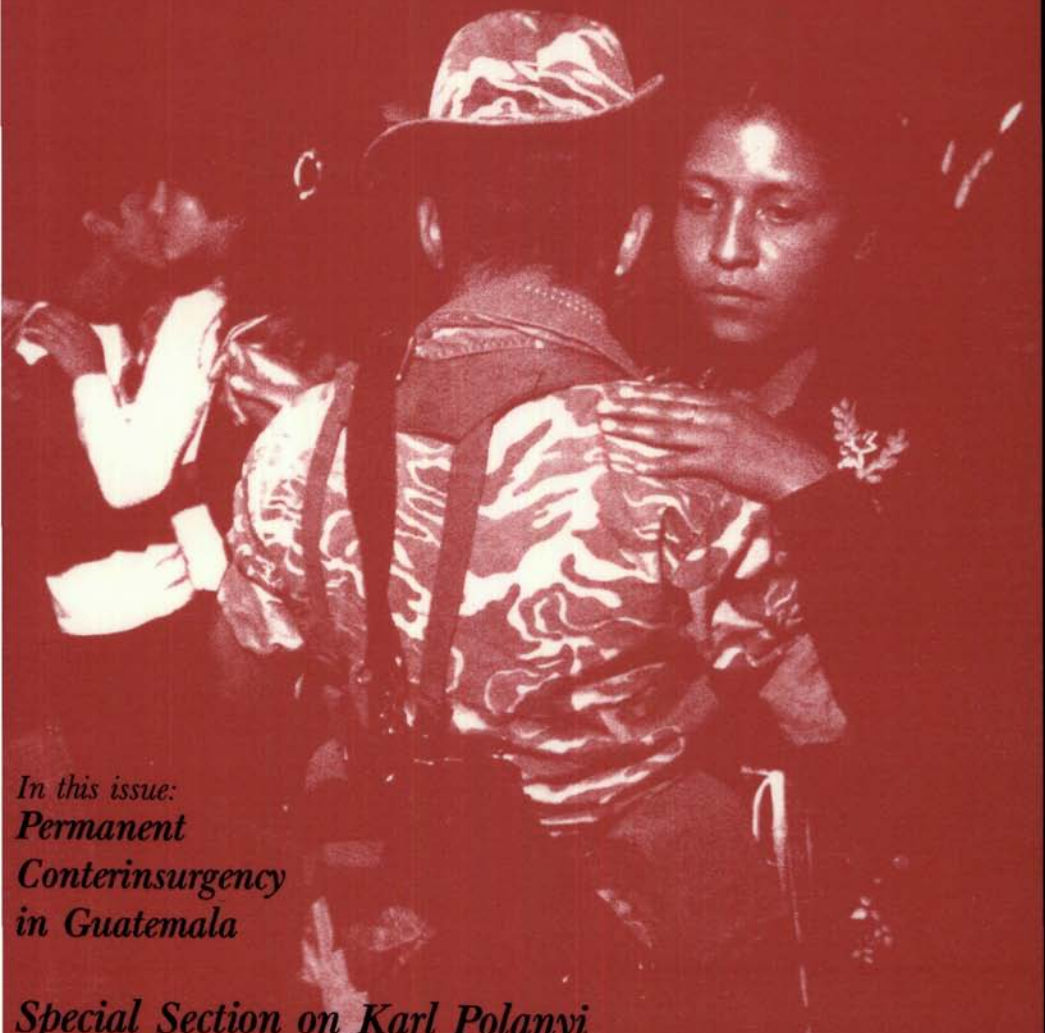

In this issue:
Permanent Conterinsurgency in Guatemala

Special Section on Karl Polanyi
Symposium on Jacoby's The Last Intellectuals

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Notes on Contributors

Ken Anderson represented the International Human Rights Law Group in Guatemala during 1987; he is a *Telos* editor and currently a tax associate at Sullivan & Cromwell, New York. ***Jean-Marie Simon*** is the Americas Watch representative in Guatemala. Photos appearing in this issue are courtesy of Jean-Marie Simon and Visions Photo Agency. They will be published in Jean-Marie Simon, *Guatemala: Eternal Spring — Eternal Tyranny* (New York: W. W. Norton, 1988). ***Arshi Pipa*** teaches Romance and not-so-Romance languages (Albanian) at the University of Minnesota. ***Martha Minow*** teaches law at Harvard Law School. ***Ellen Kennedy*** teaches political science at Queen Mary's College in the University of London in London, England. ***R. G. Davis*** is currently directing a theater production of "The Life of the Automobile" at San Francisco State University. ***Kari Polanyi-Levitt*** is Karl Polanyi's daughter and, along with ***Marguerite Mendell***, teaches economics at McGill University in Montreal, Canada. ***Alberto Martinelli*** is the chairman of the Department of Sociology at the University of Milan, in Milan, Italy. ***Jean-Jacques Gislain*** teaches political science at the Université de Quebec, in Montreal, Canada. ***Alfredo Salsano*** is an editor in Paris and in Turin, Italy. ***David Gross*** is a *Telos* editor and teaches history at the University of Colorado. ***Marc Wortman*** is a free-lance public intellectual in New Haven, Connecticut. ***Michael Taves*** is *Telos*' Book Reviews editor. ***Jean Bethke Elshtain*** teaches political science at the University of Massachussetts at Amherst. ***Murray Bookchin*** is a new *Telos* editor presently running for mayor in Burlington, Vermont. ***Andrew Feffer*** teaches history at the University of Colorado. ***Moishe Gonzales*** is a free-lance private intellectual.

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Introduction

One of the more paradoxical developments in the 1970s and 80s is that, while the higher education explosion of the previous decade produced an unprecedented number of leftist intellectuals, this increase in quantity has not resulted in a corresponding increase in quality. In fact, the opposite is closer to the mark. More broadly, Western society has never had so many "professional" intellectuals who contribute so little either to whatever public discourse remains in a feeble public sphere long since colonized by the culture industry, or to improving the quality of culture in general. This is why Russell Jacoby's *The Last Intellectuals*, which addresses precisely this problem, is receiving so much well-deserved attention. This is also why we devoted a special section of *Telos* 71 to the crisis of American intellectual life, indirectly inspired by Jacoby's book, and why this issue includes a symposium to discuss it further.

Although the unsympathetic critic may suggest that the results of such a symposium provide even more striking evidence than Jacoby himself adduces for his thesis on the decline of critical discourse, the broad variety of contributors offers some insightful criticisms, elaborations and alternatives to his analysis. David Gross questions Jacoby's periodization and points out that, given the decline of the written media and the rise of other more efficient means of communication such as TV, the crisis of critical discourse may have something to do with the left's preference for communicating through the increasingly obsolescent medium of the written word. Obviously correct as far as it goes, Gross' account misses the main point, i.e., that it is not so much a matter of *how* to get the message across but of *what kind* of message radical intellectuals seem to want to convey. Jacoby's claim that the problem is *content* rather than *marketing* remains unaffected. The irrelevant, overspecialized and jargon-ridden trivia presently being produced by academic intellectuals will not fly, no matter how elegantly it is packaged or how effectively it is delivered.

Jacoby's more controversial claim that the bureaucratization, institutionalization and compartmentalization of public discourse in universities destroys it more effectively than any overt censorship is further elaborated by

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Marc Wortmann. Drawing on personal experience, Wortmann discusses the impact of the bureaucratization of knowledge and the complementary disintegration of public discourse. Along with Michael Taves, he connects these developments with a broader social phenomenon beyond intellectuals as such: the disappearance of a public sphere and the kind of educated public that goes with it. In such a context the traditional "public" intellectual no longer has a role to play. Jean Elshtain relates this, as does Jacoby, to the post-WWII process of suburbanization and the general phasing out of cities. Reducing the problem of the decline of intellectuals to real estate, however, does not seem too helpful, no matter how much cheap apartments may contribute to democracy. The problem is one of broader social organization.

This is why it is also beside the point to moralize about this predicament, as Bookchin does, by contrasting an "heroic" Old Left with a "yuppie" New Left, or by vacuously distinguishing between a valiant *intelligentsia* and degenerate intellectuals. Among other things, New Left activists chose to become professors because, unlike most of the Old Left (but not Bookchin personally, who is an exception to the rule), they had no illusions about the redeeming role of the USSR, Labor, Blacks, Women, Gays, the Third World, Mother Nature or the Tooth Fairy. Furthermore, with the delegitimation of pseudo-universality in the wake of the umpteenth bankruptcy of Marxism, moralism itself became suspect. Especially when marketed by intellectuals (even if posing as an *intelligentsia*) it smacked too much of New Class ideology seeking to substitute one set of relations of dominations based on property for another based on knowledge. New Left veterans became "professionals" and sought to redeem themselves directly rather than under the pretense of redeeming others, as was the case with the few successful revolutionaries earlier in the century. At any rate, without apologizing for a generation of pseudo-intellectuals, what is at issue is not the personal character of ex-New Leftists but a social context that systematically rules out earlier forms of public discourse and a recent history that makes it very difficult for a moralizing *intelligentsia* to hawk *any* universality — pseudo or otherwise.

This is also why such efforts as Andrew Feffer's to refute Jacoby by whitewashing the vacuity of recent radical thought and blaming everything on the triumph of neo-conservatism sound hollow. How could the neo-conservatives have succeeded so thoroughly if the left had really been on the ball? Will public discourse really be restored by including whatever minority may still be excluded from it? Today, lame efforts to recycle a stale version of the New Deal coalition will only reinforce the predominant corporatism, without contributing in the least to reviving any public sphere. As Gonzales concludes, it may be more relevant to critically reexamine the very notion of intellectuals to see to what extent it refers to an already transcended, highly problematic social category. If, as he argues, intellectuals were indeed inextricably rooted in an ascending phase of *laissez-faire* capitalism and had already given way to "professionals," "experts" or

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the "bureaucrats" with the coming of the welfare state, then it is useless to sanctify them and decry their decline. As Gramsci pointed out long ago, everyone thinks. If that is what distinguishes intellectuals, then everyone is an intellectual. What makes intellectuals particular is the social function they perform. When that function becomes redundant, intellectuals disappear. Only conservatives would seek to restore the *status quo ante*. Rather, it should be asked, under what conditions are critical thinking and emancipatory change possible today.

The crisis Jacoby describes is not merely external, i.e., a function solely of the intellectuals' role in society, it has also serious repercussions *within* the particular self-contained disciplines — all of which are in crisis. In her analysis of how this crisis of generalized nihilism manifests itself within law schools, Martha Minow examines various recent attempts by legal scholars to break out of the present predicament, i.e., a situation where law no longer seems to have any solid foundation and, consequently, decisions seem arbitrary or based on unacknowledged, extra-legal criteria. While opening law to issues previously confined to economics, social theory or literary criticism has enriched legal discourse considerably, and explicitly focused it on broader social problems, it has contributed little to relegitimating law and restoring confidence in the legal structure. Yet this recent de-provincialization of legal thought is a necessary precondition for an eventual regrounding of the whole edifice on more solid foundations.

As Jacoby argues, not only has the academization of intellectuals privatized thought within inaccessible self-referential disciplines, even if one takes the time to cut through the rhetorical fog, what remains is banality and wishful thinking. In the blossoming discipline of "Latin American Studies," the conventional thinking of recent years has been that the era of authoritarian regimes is over and the future promises irreversible democratization and modernization. This is a very convenient position for ex-radicals who prefer not to rock the boat with the usual dark leftist forebodings and to see emancipation south of the border safely institutionalized or at least on the way to realization. Presumably, all that remains to be done is to study the process thoroughly, preferably with the help of some generous Kellogg Foundation grant.

Unfortunately, politics is not so separate from economics as the new Weberians would hope, and the failure of economic development in the region has also meant diminishing chances for democratization. Worse yet, in an international context in which old authoritarian regimes have been fairly well discredited, "new and improved" authoritarian regimes are now emerging. These hide behind a façade of democratic legitimacy while intensifying the atrocities and injustices of their less media-sensitive and unsophisticated predecessors. Ken Anderson's and Jean-Marie Simon's careful analysis of the political realities of Guatemala shows how democratic rhetoric is used to legitimate continued military hegemony, constant violations of minimal human rights, and the retention of draconian relations of domination. In the future, the

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road to permanent military repression is likely to be paved with new, fashionably post-radical, pseudo-democratic institutions.

This failure of intellectuals is not limited to the US or the Western world. As Arshi Pipa shows though a study of Albania's foremost writer, Ismail Kadare, some Eastern bloc intellectuals are in a similar boat. While seemingly subverting the system, Kadare actually turns out to uphold it more effectively than by direct apology. In fact, he has done this so successfully that he has not only managed to avoid the usual official wrath reserved for wayward authors in "socialist" regimes, his French admirers have failed to detect anything suspicious and are reported to have proposed him for the Nobel Prize. Given the recent politicization of the Nobel Prize, it would not be altogether surprising if he were given one. At any rate, *aparatchiks* are *aparatchiks*, no matter how talented, and should not be confused with the Pasternaks and the Solzhenitsyns of this world.

This issue also contains a special section on Karl Polanyi, a thinker whose work has not had the kind of impact it deserves. The four pieces by his daughter, Kari Polanyi-Levitt, and Marguerite Mendell, Alberto Martinelli, Jean-Jacques Gislain and Alfredo Salsano provide a comprehensive overview of both his contribution and some of the problems it has encountered. Writing in the midst of post-New Deal debates about state intervention, Polanyi defended the achievements of the New Deal and showed how the market is itself constituted by the state. He sought to demystify the predominant conservative ideology which posited the market as a natural institution in contraposition to state intervention as an artificial and harmful disturbance. Having shown the historicity and exceptional character of a capitalist society in which the market instrumentalizes all other relations to its imperatives, Polanyi sought to demonstrate his thesis more extensively through careful historical reconstructions of earlier societies. As Salsano shows, however, his historical-anthropological research has not held up too well, and subsequent studies have thrown doubts on some of his data. Yet the thrust of his work remains all the more valid today, in a context where the market has once again been hypostatized by both neo-conservatives and neo-liberals to the level of an inviolable institution: the very cornerstone of a free democratic society. A critical reconsideration of Polanyi's work may be an effective antidote to present academic tendencies to eternalize existing institutions and thus provide sophisticated apologies for the inequities of the *status quo*.

Last, and probably least, Ellen Kennedy's "Rejoinder" to Jay, Söllner and Preuss closes the debate on "Carl Schmitt and the Frankfurt School" begun in *Telos* 71. As Kennedy clearly demonstrates, Jay refuses to take Schmitt's work seriously. He simply misunderstands Schmitt's theory of political theology and seems unfamiliar with the facts of Schmitt's intellectual biography. This is not surprising, since Jay condemns anyone who seriously discusses Schmitt's political theory as "apologists." In this he shares a bias widespread among liberal intellectuals — an understandable predilection to demonize anything or

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anyone associated with Nazism — which precludes serious examinations of the issues. Kennedy also makes short shrift of Söllner's weak polemic and focuses on Preuss and the central issue of the debate: Habermas' reception of Schmitt's theory. There is little doubt that, at least in his early works, Habermas was influenced by Schmitt and that, as Kennedy writes, he is now "in full flight from his own *Jugendsünde* [youthful errors] and anxious to secure his place in the political landscape of West German politics." This applies to Preuss as well, who is presently about to enter West German politics. In his polemic against Kennedy, Preuss manages to undermine his own "left-Schmittian" position in order to save Habermas from the taint of Schmittianism.

Kennedy's position, however, is itself problematic. According to her, the Frankfurt School "did not reflect adequately on the central problem of *any* reception of the Schmittian corpus, namely that it leads to conclusions hostile to a pragmatic concept of politics on the model of Western liberal democracy." But of course they did! The Frankfurt School was never unreservedly commited to liberal democracy. Its members were, after all, Hegelian Marxists. That the Frankfurt School did not share Kennedy's own dogmatic assumption of the sanctity of liberal democracy is not too powerful a criticism and only betrays Kennedy's own conservative predilections. The fact that some members of the Frankfurt School took Schmitt's ideas seriously is to their credit — not in spite, but precisely because of the critique of liberal democracy. Whether or not these ideas *necessarily* lead to Nazism or totalitarianism as Jay and others seem to assume, however, remains to be shown. Ironically, Kennedy's own reservations about Schmitt's ideas leave her in the same position as Habermas and Preuss. She is no more willing or able to expand her theoretical horizon beyond liberal-democratic theory than they are. In this sense, the whole debate represents a regression, since the origins of the Frankfurt School itself are rooted in what was perceived as a terminal crisis of liberal democracy. None of the problems originally criticized have since been satisfactorily resolved. Instead of discussing them, those who have succeeded "the last intellectuals" choose rather to ignore them.

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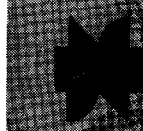

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Permanent Counterinsurgency in Guatemala

Ken Anderson and Jean-Marie Simon

I

On the evening of August 12, 1987, in the grand ballroom of the poshest hotel in Guatemala City, the High Command of the Guatemalan Army took the unprecedented step of conducting a public forum to explain the strategy behind the past 27 years of counterinsurgency and how success in that war had led, step by step, to the present "democracy" in Guatemala. Although the forum was nominally open to the public, the audience consisted of high-level business leaders and top government functionaries. The exclusivity of the audience was no surprise, since the forum was sponsored by the Chamber of Commerce.[1]

The evening was meant to be a public discussion between the oligarchy and the Army. It turned out to be less of a dialogue, however, than an opportunity for the military to deliver three specific messages to the assembled oligarchs. First, as Defense Minister Gen. Héctor Gramajo emphasized, the Army supported civilian President Vinicio Cerezo's attempts to find a peaceful regional solution to the Nicaraguan and Salvadoran conflicts — the Arias Plan — and did not favor Reagan's contra policy. Second, although the Army regarded itself as having unqualifiedly won the war against guerrilla insurgents, it considered

1. The material in this article has been gathered largely from interviews conducted in Guatemala over the last several years.

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the prevention of further insurgency a function of long term security programs in the best tradition of counterinsurgency consolidation. Such programs cost money, however, and the military expected the oligarchy to shoulder a greater share of that burden. On the one hand, the High Command identified a "social debt" which, according to Defense Minister Gramajo, "the wealthy owe to the family of Guatemala."[2] On the other hand, they identified a "security debt," whereby the wealthy would pay part of the economic cost of counterinsurgency which the military had been paying with blood — partly its own and mostly everyone else's — in the Guatemalan highlands. Third, the Army backed the tax reform program of the civilian government: a modest tax reform which, while it falls mainly on the middle class, is unprecedented in a country with one of the world's lowest tax rates.

The first message met with relative indifference from the oligarchs. Despite their ideological hostility to Managua, they are well aware that the regional conflict has torpedoed the Central American Common Market, once dominated by Guatemala. The only possibility of reviving it lies in a negotiated settlement with CIA-contra aggression and *some* kind of settlement, failing a clean government victory, in El Salvador. The second and third messages, while roundly applauded by the government functionaries, met with polite hostility from the assembled businessmen, who recognized a dangerous signal in that the Army had joined the civilian government to undertake tax reform. This public forum served notice, as one labor leader privately remarked,

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2. In speech-making the Army engages in rhetoric about the need for rural development along with its security projects. Some officers have gone so far as to say that ideological retraining in the Army's forced relocation camps (model villages) would be unnecessary if the camps had a stable material base for development. (See Chris Krueger, conversation with Col. Eduardo Wohlers, draft version 1986, published version by the Washington Office on Latin America, Washington, D.C. 1987: *The Guatemalan Highlands: Democratic Transition or the Continuation of War?*) Repressive development-security projects and permanent counterinsurgency are actually two *different* strategies for the Army to follow, represented by the difference between the model village resettlement program and the civil patrol paramilitary security forces. Some observers have tried to see in the rhetoric of the "social debt" a move by the Army to imitate the populist militaries of Torrijos in Panama or Velasco in Peru; this comparison seems wishful rather than accurate, given the oligarchic pretensions of the officer corps and its extreme anti-communist ideology. The strategy of repressive development-security is itself normatively problematic from a human rights viewpoint, accepting pure authoritarianism in exchange for getting fed and the hope that someday control will ease. In practice the Army has chosen permanent counterinsurgency — permanent mechanisms of violence and the threat of violence in the highlands to try and ensure that insurgency does not reappear. Under either security option, democracy is not even under discussion.

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that the Army no longer considered itself the lackey of the oligarchy. From now on it would deal with the oligarchy as an equal, not only in security matters but also in economic policy.

It was as the guardian of this national perspective that Gen. Gramajo responded to a businessman's plea that the military get rid of the "radical Marxists" carrying out various strikes — all of them in fact quite minor — in the new civilian climate. Gramajo shrugged and made it clear that the Army would keep order, but that the time was past when it would serve as the oligarchy's strike-breaker in every minor labor dispute. He then added, "You people have been asking us to kill your Marxists for the past four hundred years."

For its part, the oligarchy had hoped that the Army, having won the counterinsurgency war, would be happy with the profits of corruption, contraband, and graft — that it would remain a ferocious but ultimately subordinate organization, held in partial abeyance until the enormity of social injustice in Guatemala would once again produce an insurgency requiring it to return to the field. Since it would have been risky to take on the military, the oligarchy vented its displeasure against the civilian government as the tax reform was introduced in Congress; over the following weeks it organized demonstrations and a series of short general strikes.

II

The implicit claim in the tax reform struggle — that in Guatemala civilian government and so-called "democratization" is actually a vehicle for strengthening the military — must seem peculiar. After all, the received wisdom regarding Guatemala as well as the rest of Latin America is that the rise of civilian government entails the retreat of the military. Mainstream American liberals as well as conservatives converge on this thesis, even when they differ over whether these new civilian regimes are as yet "real" democracies, or merely democracies "in the process of consolidation." Some on the left accept part of this thesis for particular regions in Latin America. Garretón, for example, in his account of "transitions" in the Southern Cone, writes of those military regimes that "all of them have failed to carry out their *national projects* . . . the military dictatorships of the Southern Cone have ended or are inexorably headed in that direction."[3]

Garretón may be right, and he makes interesting observations about

3. Manuel Garretón, "Dictatorships in South America," *Telos* 68, (Summer 1986), p. 71.

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the special "guardian" role of the military in the new civilian regimes. But the arguments offered both by him and Barros[4] remain abstract and, although apparently referring only to the Southern Cone, are sufficiently general to apply to all of Latin America. Whereas the experience of Guatemala, by contrast, suggests that quite another outcome is possible, and perhaps will turn out to be the more general case over the long run. Civilian government, bearing the form but not the substance of democracy, may permit the military to carry out its national project and consolidate itself as the central institution of state and society — against the civilian government, against popular and mass organizations, and even against the oligarchy.[5]

It is therefore time to bring the arguments about change in Latin America down to *particular* cases. So, in Guatemala, the singular importance of tax reform. It is the primary symbol of divergence between the Army and the oligarchy, and it tests whether the Army remains subordinate in the all-important questions of the economy. But tax reform is not merely a *symbol* of the Army's changing relation to the oligarchy. The military's national project to consolidate itself as the central institution within the state, in a society whose central institution is to be, in turn, the state and not the private business community, simply requires *more money*. The budget for the entire state of Guatemala last year was under a billion US dollars. The consolidation of a strong state, however, demands greater state resources, not merely for the defense budget but also, in a state dominated by the Army, for all branches of the bureaucracy.[6]

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4. Robert Barros, "Democratization in Latin America," *Telos* 68, (Summer 1986), p. 49.

5. Frank Goldman and Aryeh Neier have each independently suggested another version of the same thesis: the military acts, in effect, to consolidate a one-party state, and the Army itself plays the role of that party, bearing distinct resemblance to the single party systems of Eastern Europe. The form of a multiparty democracy is preserved, in order to have legitimacy in the Western international community, but the true aim is to eliminate the "divided sovereignty" created by the independent power of the oligarchy, and thus create the "strong state." (Unpublished remarks by Goldman at the 1987 Symposium of La Mara Internacional, Guatemala City 1987).

6. This picture of a state dominated from the inside by the Army — an Army which has made the institutions of the state its own, while preserving their civilian appearance — can be contrasted with Castoriadis' picture of the Soviet military establishing a two-tier bureaucracy: "There is not a Russian 'economy' and 'production', there are two. There is a Russian 'civilian' life with its production and economy, and a Russian 'military' life with its production and economy." (Cornelius Castoriadis, "Facing the War," *Telos* 46 (Winter 1980-81), p. 47). Castoriadis notes that this division is not rational; in this sense the Guatemalan military, insofar as it can overcome the oligarchy's

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The Army tried to impose tax reform twice before, and failed. The evangelist general, Efraín Ríos Montt, tried in 1982 but was unsuccessful, despite the fact he was conducting a scorched-earth war in the highlands which demanded relatively huge military expenditures over previous years.[7] In 1985, just prior to the transition to civilian government, then head-of-state Gen. Mejía Víctores again attempted tax reform as part of the Army's agreement with the incoming Christian Democratic government. The Army agreed to take the heat for tax reform; the Christian Democrats agreed, among other things, not to disturb the military's self-awarded amnesty for its past crimes.[8] But Gen. Mejía was unable to deliver on the deal (although, predictably, the Christian Democrats had to keep *their* end) because the oligarchy scuttled it through threats of disinvestment and capital flight.[9] Frustrated and angry, the Mejía regime responded in mid-1985 by gunning down

recalcitrance, may be considerably more rational in creating the "supple bureaucratic regime" which Castoriadis found practically inconceivable in Russia during the late 1970s. (See Castoriadis, "The Social Regime in Russia," *Telos* 38 (Winter 1978-79), pp. 32-47). The rationality of the Guatemalan Army's approach is that it does not develop an inefficient, two-track system; instead, it makes the civilian apparatus instrumental to its project, helping itself to civilian legitimacy in the process.

7. U.S. aid to Guatemala was cut off in 1977 by the Carter administration over the military's human rights record. Nearly all other countries followed suit and Guatemala became a pariah nation until the inauguration of civilian president Vinicio Cerezo Arévalo on January 14, 1986.

8. The amnesty is found both in decree laws issued by the military a few days prior to Cerezo's inauguration and in the new constitution, which guarantees that military personnel may be tried only in military courts. Most recently a retired colonel successfully argued that he could not be required to appear before a civilian court even for a traffic offense. The question of military self-amnesty affects not just Guatemala, but Argentina, Uruguay, El Salvador, and potentially several other Latin American countries. The Americas Watch has persuasively argued that as a matter of international law, military self-amnesties are invalid. Whether international tribunals (and, in particular, the Inter-American Commission of Human Rights and the Inter-American Court of the O.A.S.), will adopt such a position or, alternatively, accept the amnesties as part of the practical political compromise in obtaining the retreat of the military, is an open question which deserves an appropriate test case. If, as in Guatemala's case, civil government does not signify the retreat of the military, then the latter position may concede the moral and legal high ground for a "practical" political compromise which ultimately nets nothing. (Remarks by Robert Goldman at the International Human Rights Law Group-American University Law School Conference on the Inter-American Commission and Court of Human Rights, Washington, D.C., October 1987).

9. As Bob Stix has pointed out, the oligarchy sought international loans, credits and debt restructuring which the military, as an international pariah, was unable to deliver. The ability of the civilian government to deliver international economic perks to the oligarchy in return for permitting tax reform was thought to be a reason why the civilian government, with the support of the military, would have success in bringing the oligarchy along. As events have shown, that hope was reasonable, but not met.

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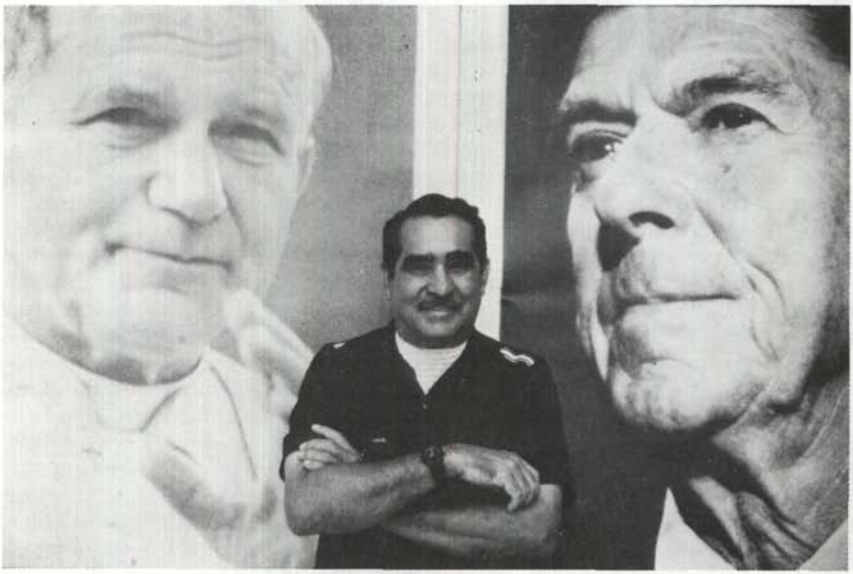
a leader in the agricultural chamber of commerce.

The military killed tens of thousands of peasants, it even killed an oligarch, but it could not single-handedly impose substantive economic and fiscal changes on Guatemala. Absolute control of the country's security forces was not enough to control tax collection, let alone the broader economy. Yet a new tax reform, even if in an attenuated form, has passed the civilian Congress. The only new element in this power equation is a civilian government which is estimated to control only 20 to 30% of the actual governing power in the country. What has the relatively powerless civilian government added that the military did not have while formally in command? Apparently, legitimacy — internal as well as external. That may not count for much when it comes to *collecting* the new taxes, but even so it has permitted the military, allied with civilian politicians, to accomplish on paper what the Army was unable to accomplish alone. In the future the Army may do more —Gen. Gramajo announced flatly that it *would* — and this must give the oligarchy pause.

The lesson of tax reform is that the military has appropriated the civilian government as its vehicle for consolidating a strong state with the



Rightist Leader Beneath his two Heroes

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military at its core.[10] The fact that civilians are brought into the government in order to give it legitimacy does not mean that the civilians have been given power, still less that the state is "democratic" or that the military, because it has disagreements with the oligarchy, is somehow more benign or more "liberal" in its national project. The Guatemalan Army is not benign; it simply does not believe that the oligarchy has a sufficiently unified vision to maintain national order. The business class, in relentless pursuit of disparate, short term profits, is unable to carry out the long term task of keeping order among labor and the peasantry. It reacts to the wrong stimuli, unable to see the problem of social order in any grand perspective.[11]

III

The Army is well aware that the oligarchy prefers it shed its own blood rather than spend the oligarchs' money on long term security projects which would promote longer term social order. Those projects are mainly Vietnam-style model villages; the civil patrols which organize the peasantry into a gigantic, involuntary paramilitary force; and the Army's S-5 Civil Affairs section, which promotes rural development and dependence on military bureaucracies for aid and investment. Such projects — particularly the model villages and civil patrols — have created a virtual gulag across the Guatemalan highlands.[12]

10. The term "strong state" deliberately avoids the analytic and ideological baggage which has taken over some other terms. "Authoritarian states," in particular, while bearing closely on this discussion, has become too burdened with Jeanne Kirkpatrick's work to be helpful here. It should be made clear, however, that "strong state" in this context does not refer to a specifically fascist civilian government in either an economic or historical sense; not all repressive states are fascist. First, the strong state sought by the military in Guatemala is not a corporatist state. Army officers are far too engaged as individuals in the oligarchy and the market structure to seek true corpo- ratism. Second, Guatemala has long had a truly fascist civilian party, the *Movimiento de Liberacion Nacional* (MLN), which used to bill itself as the "party of organized violence," and its relations with the military have traditionally not been flawless. Indeed, for decades the Army had its own party, ideologically and politically separate from the MLN's traditional Francoist line. All that is meant by "strong state" here is the ability of the state, directed by the military, to carry out its security and economic agenda; there is undoubtedly important theory surrounding this concept, but it will not be explored here. [For further discussion, see *Organizational Interests and the State*, ed. by Alan Cawson, (Beverly Hills: Sage Publications, 1985), pp.221-226].

11. See Manuel Garretón's penetrating remarks about the special role of the Latin American military as the internal "protectors of the nation" which prompts them "to take control of the State during political crises to assure the unity of the Nation and the fulfillment of its destiny." Garretón, *op. cit.* p. 72.

12. See the Americas Watch (New York) reports on highland security in *Human Rights in Guatemala: No Neutrals Allowed* (1982), *Guatemala: A Nation of Prisoners* (1984),

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Even when the ostensive purpose of the projects is development and not merely security, they avoid fundamental questions of land and wealth distribution: their function is simply to impose a repressive social peace through the weight of institutional and economic arrangements, resulting in less need to impose order by direct force of arms. In actual practice, the military has faced a decision on how to maintain order in the highlands, choosing between development-security projects on the one hand (model villages and various Army Civil Affairs refugee food distribution and health programs) and permanent counterinsurgency projects on the other (principally, civil patrols, which consume peasant resources but add nothing to rural development).

One option cannot be regarded as less repressive than the other: although development from whatever source has advantages, that alone does not mean that repression has been eased. A prison camp or model village remains such even if the inmates are fed. The decision between these two options has largely been taken in favor of permanent counterinsurgency rather than repressive development-security projects. Part of this decision reflects a simple lack of ideological interest by a significant portion of the officer corps; a colonel in the field, for example, explained in late 1985 how he hoped the civilian government would take the refugees off his hands so the Army could "buy weapons with its budget and not food."[13] It also reflects the Army's consolidation of the strong state within the civilian government. The Army enjoyed a minor public relations coup when it publicly pulled out of various model villages in 1986 and 1987 — "withdrawing" but leaving the civil patrol to keep control. The burden of feeding the refugees was put on the civilian government and, ironically, the Army even made some ideological headway when the refugees discovered that in some cases the Army was more efficient than the civilian government in delivering resources.[14] Finally, the permanent counterinsurgency decision reflects the inability of the Army to wrest sufficient resources from the oligarchy to make development-security a reality, even if it wanted to.

Under either plan for social control in the highlands, the Army has a strong and understandable bias toward security arrangements which minimize its casualties in the field — a number of its officer classes were decimated in the early 1980s — but it does not trust the oligarchy

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Civil Patrols in Guatemala (1986), and *Human Rights in Guatemala During President Cerezo's First Year* (1987).

13. Author interview, Coban (December 1985).
14. See Chris Krueger, *The Guatemalan Highlands*, *op. cit.*

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to share that bias. That preference leads the military to desire a strong state, but a strong state requires no more than the veneer of civilian rule — certainly not actual democracy —in order to provide legitimacy.[15] Externally, civilian legitimacy is simply a means for opening the doors to foreign aid, military as well as economic. The international magic of a civilian president is such that a bare 18 months after the transition to civilian government, the US is already contributing police and military aid. The Reagan administration has signalled its aim to increase both categories significantly; this aid is to go to the country which, until two years ago, human rights monitors characterized as the most abusive in the hemisphere. Most of the liberal Democrats in Congress — including such human rights stalwarts as Kennedy, Kerry, Harkin, and Dodd — presently favor police aid as well. A senior Congressional staffer to a liberal Democrat remarked that "so long as Guatemala is on our side of the contra issue, we will delegate to President Cerezo to determine what the country's human rights needs are, and if he wants police aid, he'll get it."[16] Guatemala has even retained the radical-chic lawyer, Paul Reichler, who founded a law firm initially to represent the Sandinistas, as its Washington lobbyist. The interests of Reichler's rightwing Guatemalan clients curiously dovetail with the interests of his leftwing Sandinista clients: since Guatemala supports "active neutrality" towards Nicaragua, it should therefore be rewarded with police aid. This dubiously "progressive" position is taken by Reichler as well as by US congressional liberals, despite the Guatemalan National Police's much deserved reputation for human rights abuse (which continues in the Cerezo reign, "democracy" notwithstanding[17]) and the fact that the police structure is riddled with Army Intelligence agents.[18]

15. See Ken Anderson and Richard Anderson, "Human Rights in El Salvador," in *Telos* 64 (Summer 1985), pp. 91-104.

16. Author interview, Washington, D.C. (October 1987).

17. The Americas Watch report, *Human Rights in Guatemala During President Cerezo's First Year* (1987), covers in detail several cases of political disappearances and assassinations attributable to the police following Cerezo's inauguration; the circumstances and the victims in those cases make it impossible to believe that this official violence is merely corruption and incompetence at low levels of officialdom. In recent months, Amnesty International has documented several other cases where the police — and not the Army or unidentified assailants — were implicated. Recently, union leaders and peasant organizers have once again begun to be targets of direct police and Army attack. (See "Urgent Action Letters" for October and November 1987 by Amnesty International).

18. The current police chief, Julio Enrique Caballeros, for example, is a colonel from Army Intelligence; he headed the Archives Section of the Army Intelligence Service and by various sources was one of the several top officers in Intelligence. Caballeros came to the National Police in July 1986 with a team of Army Intelligence

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The willingness of US liberals to grant police aid to Guatemala is a telling sign about US foreign policy, for two reasons. First, it signals the abrogation of the long-standing ban on police aid—Americas Watch has correctly observed that if police aid can be justified for Guatemala, it can be justified anywhere. Second, tacitly conditioning police aid to Guatemala on its foreign policy rather than its internal human rights record represents a virtual disavowal of what human rights was supposed to have meant since its beginnings with Jimmy Carter—the willingness and moral obligation to look *inside* a regime and not just at its foreign policy. It appears to be a switch in liberal policy, brought on by the exigencies of preventing US adventurism in Nicaragua. But such rationalizations by liberals are possible only because the clear-cut situation of a military dictator was changed by the ceremony of a civilian presidential inauguration into the ambiguous situation of a civilian president seeking to "consolidate democracy."

IV

In seeking to explain why the military permitted even the appearance of civilian rule, too much emphasis may have been placed on the

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advisors; some of these apparently remain in the police, while others have been recalled back to the Army. But matters would not be "cured" by replacing known senior Army personnel in the police; as a senior Guatemalan bishop noted privately, the National Police is institutionally "a dependency of the Army." It would follow orders even if no senior Army officers ran it. Additionally, various low-ranking police detectives have indicated in author interviews (held between May and October 1987), that beyond their National Police duties, they also moonlight for the Army. The extremely complex relations between the Army and the National Police are explored in Allan Nairn and Jean-Marie Simon, "The Bureaucracy of Death," *The New Republic*, (June 30, 1986), p. 13. (For an examination of the internal workings of the National Police, see the forthcoming report by the International Human Rights Law Group, Washington, D.C., by Ken Anderson). The available evidence indicates that, in general, political violence in Guatemala has been and remains directed from above, by the Army and Army Intelligence. This is not to say that there is not significant common crime and private crime committed by means of the official intelligence apparatus; even so, the Army appears to direct political violence in Guatemala to a degree which contrasts sharply to other places. Juan Corradi, for example, has written of Argentina during the terror: "The acquisition and consolidation of power by the military regime have issued not Leviathan but Behemoth . . . under the umbrella of a stern government, armed bands have been sovereign in many fields, powerful rival groups roam uncontrolled, having managed to control many strategic positions . . . The 'classical' state has actually been treated as a hindrance to domination over subordinate groups." (Corradi, "Terror in Argentina," *Telos* 54 (Winter 1982-83), pp. 70-71). In Guatemala the configuration is different; the Army has sought and largely achieved a Leviathan, except that it is one which depends for its stability on cyclical bloodletting. Moreover, the Army wants to have all the advantages of Behemoth — i.e., 'deniability' for the crimes and abuses committed by the Army.

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strictly material advantages of international legitimacy. Although the Guatemalan military desires international aid, it also fears it. It fears that too great a dependence on international aid might eventually put it in the unenviable position of El Salvador, where some 60% of the national budget is provided by the US, which thus effectively owns the government, and where the Duarte government cannot persuade the oligarchy to accept even a modest war tax because the oligarchs figure — correctly — that the US will pay for the war, at the cost of national sovereignty.

The Guatemalan Army knows it cannot have a strong state if it is overly dependent on foreign resources. One of the covert messages of tax reform is that in a crisis the Army can call upon internal resources — the wealth of the oligarchy — and thus preserve some freedom from direct US hegemony. In the counterinsurgency war of the 1980s, the Army clearly felt it did not command sufficient internal resources, and it seeks to avoid a repetition in the future.

Internal legitimacy provides advantages to the strong state even more important than the advantages of international legitimacy, even if they are less economically measurable. The activities of political parties, for example, even if ineffectual, still give people a sense of participation and a hope that eventually they *will* become effective. The civilian bureaucracy — and not the military — becomes the buffer as well as the lightning rod for the ordinary complaints of a populace whose most elementary social needs are not met. Most importantly, internal legitimacy is a means by which the military can come to grips with the oligarchy.

For the oligarchy prefers a weak state. It prefers it because a weak state is cheap to operate and, provided the state maintains order and keeps the lid on incipient class war, gives business interests maximum room for economic maneuver. The weak state would not, for example, raise taxes to support a military modernization program *after* the counterinsurgency war has been won — why should it? — and less still promote the social spending urged by the High Command even for as repressive a program of social control as that envisaged by the Army.[19] But a weak

19. It may be queried at this point whether the new tax laws are progressive or regressive, and how that affects their desirability to the oligarchy. One possibility might be that regressive taxes falling mainly on the poor and middle classes would be welcomed by the oligarchy as well as the military, because they provide greater revenue to the state, without burdening the oligarchy, and thus allow capital accumulation and infrastructure investment which could be useful to the military as well as to large-scale capitalists. The exact incidence of the taxes, whether the formal law or the actual enforced regime, is difficult to assess at this early date, but most observers in Guatemala

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state practically demands, in a period of sharpening class struggle, a strong but subordinate Army, and especially one willing to make sacrifices which the oligarchy is not. Precisely to avoid these costs, the Army desires a strong state and, flush from its victory over the peasantry, it may well be in a position to strike a new bargain with the oligarchy.

Tax reform is a striking demonstration of the Army's attempt to assert control over the oligarchy. The ultimate basis of the strong state in Guatemala, however, is a program of permanent counterinsurgency against the peasants — counterinsurgency which, peculiarly and to the everlasting dismay of the Indians, does not depend on the existence of insurgency. Compared to permanent repression of the lower classes, moves to control the oligarchy are merely the icing on the cake of a long term strategy to consolidate the strong state.

V

One way to find out about the strategy of counterinsurgency against the peasantry is to compliment some bored countryside commander on how the Guatemalan Army was able to accomplish what the US could not in Vietnam and has not in El Salvador. The commanders are smug about their victory over the insurgents, and believe they have developed the most sophisticated and far-reaching strategy of counterinsurgency in the hemisphere. Although virtually all of them received training in US counterinsurgency programs (at the War College, for example, or the Southern Command in Panama) they feel that now it is they who have something to teach the US about counterinsurgency and not the other way around.

Particularly instructive is Defense Minister Gen. Gramajo's account of the Army's growing belief that only a strengthened, centralized, and stabilized state could save Guatemala over the long run, which resulted in a change of counterinsurgency strategy between the Lucas Garciá regime of 1978-82 and the Ríos Montt regime of 1982-83.[20]

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believe the incidence falls mainly on the middle and upper-middle classes. The oligarchy has nonetheless adopted a public position stridently against the new taxes, attempting to ally itself with the middle classes — partly because it dislikes the *precedent* of taxes in a country which has never really had any, and partly because it apparently fears that capital accumulation within the state strengthens the hand of the military against it. Thus it appears to prefer that any large-scale infrastructure and development projects take place through the private sector in order to preserve its place as the central institution of Guatemalan society. It should also be noted that Army personnel are exempt from taxes.

20. General Gramajo's remarks were made in author interviews conducted in May-June 1987, and at the Army Forum on Counterinsurgency.

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Counterinsurgency is not new in Guatemala; it has continued in an organized fashion since the first insurgents — themselves military officers — rebelled from the Army in 1962. Nor are murderous regimes new in Guatemala; in the 1960s Guatemala had the dubious distinction of inventing the technique of "disappearances" in the hemisphere. What *is* new in the 1980s is the coherence and rationality of purpose to which the slaughter has been put, quite apart from the sheer *number* of people killed. Gen. Gramajo, for example, will admit in vague terms that the regime of Lucas García committed mass killings, both in the countryside and in Guatemala City. That would be hard for anyone to deny, although the Guatemalan government and the US State Department did virtually nothing else during the whole regime. Gen. Lucas García "won" the 1978 presidential elections after receiving less than 7% of the vote in what *The Washington Post* called "a fraud . . . so transparent that nobody could expect to get away with it." A campaign of terror ensued in the city and countryside; during the four years of the Lucas García rule, according to the cautious estimate of current Interior Minister Juan José Rodil Peralta, over 25,000 Guatemalans were killed.[21]

The incidents were endless; labor, students, and peasant leaders were predictable targets, although numerous seemingly random killings and disappearances took place as well. On June 21, 1980, 27 union leaders were abducted as they planned a funeral for Coca-Cola union leader Edgar Aldana, killed inside the plant that same day. According to the former rector of the University of San Carlos and current Education Minister, Dr. Eduardo Meyer Maldonado, at least 300 members of the university community were killed during 1980 and 1981, while another 1000 were disappeared or fled into exile. By June 1981, the Guatemalan Teachers' Pension Fund was paying out more in life insurance claims than it was collecting in payments; the organization reported that in 18 months since January, 1980, 70 members had been assassinated.[22]

As usual, the Indians suffered the highest casualties. A conservative Guatemalan congressman recounted a conversation he had with an Army general about killings in the Quiché Department during the Lucas García years: "Look, I'm going to give it to you straight," said the general, "we did kill a lot of people in this area. We would get orders from the Army Chief of Staff to go in and eliminate two or three peasants. We would arrive at a village, and if the suspects weren't there or if the

21. *Siete Días*, television news program (March 25, 1987).
22. See Julia Preston, "Guatemala: The Muffled Scream," *Mother Jones*, (November 1981).

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people wouldn't talk, we'd just raze the entire place."[23] The slaughter was not accidental, even if it was, by the standards of later regimes, haphazard and disorganized. A number of factors had come together by 1980. The Sandinista victory contributed enormously to insurgent expectations, and the guerrillas increased organizing and armed activity. A decade of Catholic popular organizing, following the precepts of Vatican II and the Medellín Conference, had increased political awareness among the Indians. The peasant organization, Comité de Unidad Campesina (CUC), first appearing in public on May Day 1978, succeeded in organizing migrant labor, which traditionally moved from undersized subsistence plots in the highlands to the massive sugar, coffee, and cotton plantations of the coast. CUC brought about a 15 day strike in February and March 1980, shutting down some 59 plantations. As George Black has observed, "the spectre of peasants lined up along the Pan American highway, brandishing their machetes in the air, was a nightmare come true for the plantation owners."[24]

Business interests and the Army were not idle in intensifying the already intolerable social conditions which led to insurgency. Landowners, and particularly Army landowners, forcibly dispossessed Indians in order to take new land. Army officers suddenly metamorphosed into landowners; one of their largest acquisitions, in the northern Quiché, has come to be referred to as the "Generals' Strip." They in turn directed Army engineers to build roads to their fiefdoms. Corruption at the highest levels of government soared.

Counterinsurgency during the Lucas García period, while ferocious, did little to dampen guerrilla strength or civilian support; in fact the insurgency reached its highest level of popular participation in 1981. By the end of that year, armed insurgents were estimated to number 6000, and the Guatemalan Army itself put the number of unarmed collaborators at 276,000 (out of a nation of 8 million). On January 25, 1982, the four guerrilla organizations formed a coalition called the *Unidad Revolucionaria Nacional Guatemalteca* (URNG). Junior army officers — the ones actually fighting and dying in the field, and not, at least according to Gen. Gramajo, those simply helping themselves to ownership of the countryside — understandably began to be alarmed. As Gramajo put it, the Army did not seem to have any sense of purpose, except

23. Author interview, El Quiché (October 1985).

24. George Black, et al., *Garrison Guatemala*, (New York: Monthly Review Press, 1984), p. 100.

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to defend private interests, whether of senior oligarchs or of corrupt senior officers—in particular Romeo Lucas García and his brother, Army Chief of Staff Benedicto Lucas García. The Army had lost its *national* vision.

Still more alarming, this gradual privatization of the Army appeared to fit the junior officers' sense of what had gone wrong in Somoza's Nicaragua, when it still *was* Somoza's. In Gramajo's view, the Sandinista victory was due not so much to cleverness by the FSLN as stupidity by Somoza; in particular, the gradual fragmentation of the government into a bunch of competing private interests, each scrabbling to get what it could as the ship of state sank. As a colonel in Coban put it at the time of Cerezo's inauguration, "if Somoza had looked out for the interests of his class and not just those of his family, he'd be there today, and the *nueve comandantes* wouldn't know what to do with themselves."[25] In the view of those Guatemalan officers, ultimately successful insurgency depends crucially upon errors by the ruling class. And they feared the Guatemalan ruling class, in its grasping and short term vision, was committing those very errors.

Thus Gen. Gramajo, in his role as Army intellectual and revisionist historian, carefully distances the Army as an institution from what he describes as a corrupt government — the Lucas García regime — which "merely happened to be led by an Army officer." The Army's "distance" from the corruption could certainly be disputed; in any case, the concerns of the junior officers translated into a coup on March 23, 1982.[26] Throughout the day Army helicopters circled the National Palace; light tanks and artillery were positioned in the main plaza, aimed at the president's office, and by 4 p.m. President Lucas García had resigned. Gen. Efraín Ríos Montt was installed as head of an Army triumvirate running the government. He was the Christian Democratic presidential candidate in 1974, and the election had been stolen from him by another Army officer. A convert to evangelical Protestantism, Ríos Montt was widely known for his strident stand against corruption. After Lucas García, Guatemalans were desperately hoping that real change had come and that a campaign against corruption would translate into an end to the killing.[27] Ríos Montt's first speech

25. Author interview, Cobán, (January 1986).

26. See the account in *Inforpress*, Guatemala City (March 25, 1982).

27. Although offered under different historical circumstances, the same claim that a campaign against corruption can slowly and incrementally undertake human rights reform is being recycled today by Cerezo's civilian government. It is a view widely subscribed

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to the nation held out that hope: "Take down your machine gun from your roof," he said, "and replace your pistol with a work machete." He went on to declare there would be no more death squad killings, and "if someone violates the law, they will be tried, and if convicted of a capital crime, shot. Only the Army will carry guns."[28]

Real change *had* come, although not what ordinary Guatemalans had hoped. According to Gramajo, the Army finally had found its vision and was ready to wage counterinsurgency in a wholly coherent and rational fashion. The campaign against corruption, far from ending human rights abuse, focused the Army's resolve and led to a vastly more efficient apparatus of state terror. In order to improve the country's dismal image abroad, however, Ríos Montt disbanded the government's death squads, which had been leaving hundreds of bodies each month in the streets of Guatemala City. The National Police established a "disappearance office" to investigate past abductions, although it was closed after a few months without solving any cases. As the then-National Police Director later explained privately, "We had to phase it out little by little. The information we received would have backfired."[29]

Death-squad killings were then legalized into the Special Military Tribunals, which held Star Chamber proceedings for suspects in both common and political cases.[30] The trials were secret, the judges were secret, there were no lawyers, no *habeas corpus*, no presentation of witnesses, no court records, and frequently the accused were not even made aware of the charges brought against them. One lawyer foolhardy and courageous enough to try and bring a *habeas corpus* petition on behalf of a suspect could not find anyone in the High Command willing to sign receipt of the papers — no one would accept responsibility for the existence of the Special Tribunals, no one seemed to know anything about them, and one captain finally said: "Don't you know you are out of your mind to bring those papers here?" Executions of those convicted of capital offenses were held against the wall of the National Cemetery; more often the victims were simply tortured, killed, and buried in secret graves. Ríos Montt concluded that the government

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to by functionaries inside the civilian apparatus as well as many foreign observers — but it is a false claim, resting upon an erroneous view that corruption and common crime share the same etiology as political crime in Guatemala, and that developing civilian power against one gives civilians power against the other.

28. See *Central America Report*, Vol. IX, No. 12 (March 26, 1982), p. 90.
29. Author interview, Guatemala City (June 1985).
30. See Conrado Alonso, *15 Fusilados al Alba* (Guatemala City: Serviprensa Centroamericana, 1986), for a general description of the Special Tribunals.

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could now "kill legally," declaring it "preferable that it be known that 20 people were shot, and not just that 20 bodies have appeared by the road."[31] The US Embassy, for its part, was pleased to call procedures of the Special Tribunals "streamlined."[32]

Even some prominent Guatemalans were ready to celebrate the Special Tribunals as a step in the return to the rule of law. Of special interest among these is the current Minister of the Interior, Juan José Rodil Peralta. During the Ríos Montt years he was president of the Guatemalan Bar Association and a special legal adviser to the military government. A number of sources have indicated that Rodil Peralta was a leading drafter of the Special Tribunal statutes. A diplomat formerly stationed at the US Embassy reported: "Although I don't have documents to prove it — there are no records anybody knows about — I am pretty sure Rodil Peralta helped write the statute and at least one (current) Vice-Minister of the Interior served as a judge."[33] But were the Special Tribunals a step toward the rule of law over bodies left in the streets by the government's death squads? One merely substituted for the other, and the rule of law means nothing if it cannot provide a minimum of personal security and legal procedure; arbitrary is arbitrary whether done in the dead of night in a Cherokee van with polarized windows or against the wall of the National Cemetery; all the Special Tribunals did was codify insecurity and give it the comfort of

31. Michael McClintock, *The American Connection: Vol. II: State Terror and Popular Resistance in Guatemala* (London: Zed Books, 1985), p. 230.

32. US Embassy, *Briefing Notes: Guatemala* (Guatemala City, June 1983) p. 10.

33. Author interview, Guatemala City, August 1987. Rodil, for his part, claims that he did not draft the Special Tribunal statute, and points out that under his leadership the Guatemalan Bar Association condemned the Tribunals. Minister Rodil may indeed have had a change of heart, but the timing is suspiciously convenient. The Bar Association condemnation did not appear until March 1983 — when it was clear inside Guatemala that Ríos Montt was on his way out in a few months, and after the Tribunals had been denounced around the world. Moreover, the sources inside Guatemala pointing at him are too reliable and varied to be ignored. Some foreign observers sometimes try to paint Rodil as facing a difficult choice between the lesser of two evils — roving death squads or a repressive but regularized trial process which would at least bring *some* norms and civilian apparatus into the procedure, rather than simply thugs operating on Army instructions. But the two methods simply and obviously reach the same results by different means. Perhaps Rodil should not be criticized for *initially* having worked with Ríos Montt; in the very first days Ríos Montt's aims and methods were not yet known, and the general public euphoria surrounding his ascendency was undeniable. But for a prominent lawyer, a leader in his country's legal community, to draft laws which established kangaroo courts with no semblance of due process, was as immoral as the tribunals themselves were illegal. There can be no excuse that the outcomes were not foreseen, since there could *be* only one purpose in establishing such tribunals. Even so, Rodil may be Guatemala's next civilian president.

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law. In any case, the death squads were back on the streets by mid-1982, in the same vehicles used by the Lucas García government, but with different license plates.

VI

Rodil Peralta's current ministry in the civilian government supervises the National Police, and he is sometime described as a "realistic progressive"; one gathers from the Special Tribunals just how "realistic." He spends considerable time in Western capitals, seeking aid for his police forces. He speaks in sophisticated language of the need for "structural changes" in the security forces. At the same time, however, he has told US human rights lawyers that it would be "counter-productive" to try and bring individual writs of *habeas corpus* in Guatemalan courts, on behalf of actual persons. Apparently, it is better to forego individual justice and wait for abstract "structural changes" which will make individual justice superfluous. Taiwan, West Germany, France, Italy, Mexico and Spain have all begun to give police aid, and the US is scheduled to increase significantly its contribution next year.

The Guatemalan government urges that the problem of the police (and the problem of human rights generally) is not a matter of state terrorism directed from above by the Army, but instead a matter of low-level corruption and incompetence. The issue is thus transformed from a question of political ability and will to confront political crime into a question of finding a technical "fix" to cure incompetence and corruption. Not surprisingly, the proposed "fix" is police aid dollars to provide training and equipment. This is a road the US has gone down before (in the 1960s), providing supposedly non-lethal equipment to the Guatemalan police, only to discover later that the vehicles supplied for the "mobile crime labs" had been converted to death squad vehicles. Nonetheless, the US appears ready to proceed down this road again.

Accepting the wholly unwarranted but comforting assumption that human rights violations in Guatemala are a matter of corruption and incompetence rather than state terrorism makes it easy to accept police aid as the solution. Some US liberals are privately even willing to argue that, in any case, police aid is warranted because the apparatus of state terror in Guatemala already has achieved top efficiency — it can kill whoever it wants. Thus police aid would not increase that capacity, but instead might help strengthen the hand of civilian government by reducing the soaring levels of violent common crime. This latter argument is factually wrong — virtually any police aid, from fingerprinting

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equipment to computers, would materially aid the security force apparatus in its political crimes. Moreover, it adopts a moral consequentialism wholly at odds with fundamental principles of human rights.

The Guatemalan lobbying strategy has succeeded in recruiting Harvard Law School — not to provide police aid, but to train Guatemala judges in criminal procedure. The program is funded by the US government, although no one in the government seems to have asked Harvard hard questions about what precisely it proposes to do with $500,000 a year, why common law professors are suited to train civil law judges, and what exactly Harvard Law School knows about criminal procedure in Guatemala and especially about the police. The reason no one in the US government has asked such questions, however, is that the answers do not much matter; from the State Department and Guatemalan government points of view, $500,000 a year is a cheap way of buying the Harvard name for use in the police aid campaign. The law currently specifies that any police aid to Guatemala must be supervised by judicial or prosecutorial personnel, and although no one (Harvard least of all) suggests that any supervision as yet takes place, it is still convenient to point to liberal Harvard Law School professors training Guatemalan judges in criminal procedure in order to plead that a good faith effort is being made. Harvard professors respond, justifiably, that the support for Guatemalan police aid predates any Harvard involvement, strong liberal support for it in Congress goes far beyond any legitimation that Harvard might add and, moreover, that judicial training can be sufficiently marked off from police aid. Besides, they add, what Harvard legitimates it can also delegitimate; Harvard Law School pulling out of a judicial training program because its professors believe that the program is contributing to political crime or the failure to investigate political crime would, they suggest, make it far more difficult for US congressional liberals to support police aid.[34]

The same defenses cannot be made, however, for the most ill-considered program presently under debate by US liberals. Former UN ambassador and current mayor of Atlanta, Andrew Young, has proposed that the Atlanta Police Department train the Guatemalan National Police. The Guatemalan government, naturally, is enthusiastic to have such a prominent black liberal supporting its police aid agenda.

34. In any case, as the outlines of the Harvard project become clearer, it may be possible for human rights monitors to pressure it, especially by pushing it to seek a consensus among governments donating aid to Guatemala that some minimum progress has to be made on selected human rights cases.

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Young, seeking a voice in Democratic foreign policy discussions, publicly adopted a position in favor of police aid during a brief visit with high level government officials in Guatemala (during the Esquipulas II conference at which the Arias Peace Plan was signed). A senior aide to Young, who would have a key hand in setting up the program, later replied to questions about who might fund Guatemalan police training, that private funding might be preferrable and "there are a lot of US corporations and banks with an interest in security and stability in Guatemala" who might pay for the program. The aide mentioned the Coca-Cola company, headquartered in Atlanta; he seemed unaware that the local Guatemalan Coca-Cola franchise had fought a bloody war for years with its striking workers, and that dozens of workers had been killed, wounded, or disappeared while fighting for labor rights on the company premises. In any case, when it was pointed out that the Guatemalan police chief was an Army intelligence colonel, the aide replied that the chief's role in the Army secret police was "irrelevant" to his police duties.[35]

35. Author interview, Washington, D. C., (July 1987).

Guerrillas in the Highlands

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VII

It was in the highlands during the Ríos years, however, that the Army demonstrated a new mettle in counterinsurgency. The violence shifted from extensive but strategically haphazard killing to a systematic program of scorched-earth and depopulation. The order of attack under Ríos Montt was carefully planned; a colonel in charge of model villages later said that the region of the Ixil Triangle, long isolated and culturally independent, was targeted for early treatment because it was believed the local guerilla organization, the Guerrilla Army of the Poor, was overextended there.[36] By late 1982 the Americas Watch stated: "One of the 23 linguistic groups, the Ixil in El Quiché, has been all but wiped out as a cultural entity."[37] The criterion for defining subversives in the scorched-earth sweeps was so easy even an illiterate foot soldier could follow it — "shoot those who run and capture those who remain behind."[38]

Eventually some 400 villages were razed, many tens of thousands of Indians killed, and several hundred thousand driven into exile, mostly to Mexico. This was precisely in step with the campaign set out by the Army in its five-year plan, which dubbed Ríos Montt's first year "Victory '82."[39] According to the zone commander in Cobán, the destruction followed a two-phase counterinsurgency doctrine elaborated by the officer corps at the time Ríos Montt took office.[40] In the first phase, said the Cobán colonel, the plan aimed to break both the guerrilla military organization and its peasant support base. In this operation there was no room for considerations of human rights, since the Army plan *was* state terrorism. The colonel went on to say he did not mean that "securing" guerrilla zones was as crude as simply killing everybody in the area. "We had to play rough," he said, "but you have to know what you're doing." He emphasized two considerations in the first phase of counterinsurgency. First, the Army had to be willing to confront the guerrillas in battle on the ground — gut it out on the guerrillas' turf.

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36. Author interview, Guatemala City (December 1985).
37. Americas Watch, *Human Rights in Guatemala: No Neutrals Allowed* (New York: 1982).
38. Author interview, Sololá (October 1983).
39. Other years were also titled; 1986 was known as "Consolidation '86." Documents from Army meetings outlining the counterinsurgency campaign have been only partially released, but even so they reveal an unusual fidelity to the initial strategy. The plan has not sustained its initial vision, however, in the push for repressive development-security projects to supplement permanent counterinsurgency.
40. Author interview, Cobán (January 1986).

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Second, it was critical to push the peasants off the land — to show them who was in charge, to show them that the guerrillas could not protect them, to break the cycle of agricultural production which fed both peasants and guerrillas. "Two seasons, at least," said the colonel.

Moreover, once the peasants were off their lands, starving in internal exile or fled abroad, then their reentry could be completely controlled by the Army. Whole areas would be completely emptied of inhabitants, and repopulated as the Army prepared civil patrols and model villages to receive them. Frequently, ethnic and linguistic groups would be mixed up to make organizing by the Indians more difficult outside the military's own structures. The weakness of US counterinsurgency doctrine, according to the colonel, was that it did not recognize the necessity of the first phase. Model villages, civil patrols, development plans, ideological and political work, all that is important, stressed the colonel, but only after the war is won. You had to be willing to pay the price to win the war before techniques of consolidation would make any difference. In Mao's terms, if the guerrillas swim like fish in the sea of the peasantry, then the first thing to do is drain the sea.

Of course, phases one and two overlap to a considerable degree. The model villages and so-called "poles of development" were an integral part of Ríos Montt's "Beans and Bullets" program even as the policy of scorched-earth went into high gear. In the "poles of development" program (abandoned except as rural development rhetoric over the last several years in favor of permanent counterinsurgency civil patrols) military-led teams rebuilt villages which the Army earlier had destroyed.[41] Guatemalan Archbishop Próspero Penados, among others, has noted the resemblance of the model villages to concentration camps.[42] Instead of the traditional Indian village consisting of houses and huts scattered around a wide area, the new compounds have been built packed together, with geometric precision, along a main street generally wide and long enough to serve as an airstrip in an emergency; "just in case," said a development pole colonel, "we have to send in medicine."[43] Several of the camps—Acamal and Saraxoch, in particular, situated near Cobán—were designated special re-education centers for former subversives, although the definition of a subversive,

41. See the description in the British Parliamentary Human Rights Group, *Bitter and Cruel . . . Report of a Mission to Guatemala* (London: House of Commons, October 1984), pp. 15-18.

42. Author interview, Guatemala City (April 1987).

43. Author interview, Guatemala City (January 1986).

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in keeping with the Army's eminently practical view that every Indian was a subversive, seemed to be simply whoever the zone commander found convenient to send there.

Saraxoch has a large sign at the entrance to the village (always controlled by the civil patrol): "Welcome to the New Urban Center Saraxoch, An Anti-Subversive Community, Discipline and Organization." Except when it rains, the entire population is required to line up at dusk in the main square to salute the flag and have a patriotic exercise, perhaps to sing the Hymn of the Civil Patrol: ". . . I swear to my country . . . to reject the subversives . . ."[44] A blackboard in the village office lists each adult male and where he was working during the day. Passes are required to leave the village. Inhabitants of Saraxoch knew to say to foreigners the words taught them in ideological retraining classes, and even Indians who could hardly speak Spanish would say over and over, "Thanks to God and the Army, we were saved from the lies into which we had fallen."[45]

Little changed in Saraxoch under "democracy," except that discipline is somewhat more lax and passes are not always required to leave.[46] Some internees were allowed to leave the camp permanently in 1987; others will take their places as new refugees are brought in, either from the mountains or from Mexico. Once the families in Saraxoch had their own villages; they were destroyed. But the former head of one village, now an internee in the camp, confided that the land titles to his village had been hidden in a metal box and buried, and their marimba, too, the soul of the village, wrapped in oilcloth.[47]

VIII

Because it is easier to burn villages than rebuild them, the development poles and model villages have always been secondary in importance to the civil patrol system or, more formally, the Patrullas de Autodefensa Civil (PAC).[48] In recent years, the development-security

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44. See brochure from the Guatemalan Army Information Office, *Las Patrullas de Autodefensa Civil*, 1985.

45. Author interviews, Saraxoch (January 1986 and August 1987).

46. Crystal Nix, "Re-education and Other Trials for Broken Tribes," *The New York Times*, (August 12, 1987).

47. Author interview, Saraxoch (January 1986).

48. Americas Watch, *Civil Patrols in Guatemala*, (New York: 1986). A 1985 paper has attempted to assess the contradictions between the program of state terrorism and development; it is a good source of factual material, but unfortunately fails to bring the two themes together. [Gordon L. Bowen, "The Political Economy of State Terrorism:

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projects of development poles and model villages have been turned over to the civilian government to do what it can, under the watchful eye of the Army. Whereas model villages require capital investment by the government and frequently constant food supplies because the land is insufficient to support the population, the civil patrol system simply requires forced peasant labor, which is easier to come by. It operates by converting all peasant males over age 15 or so into a paramilitary force required to patrol the region of a village and to protect its entrances, stopping, registering, possibly arresting any strangers in the area, and carrying out any other tasks which the Army might assign it.

Those tasks may include accompanying the Army on its rounds, which effectively makes the civil patrol cannon fodder because the Army, fearing to arm the peasants, only gives them ancient weapons or, frequently, mere sticks painted to look like rifles. In the past, the Army has used them to draw fire, and the guerrillas are in a quandry whether to shoot or not once they realize there are unarmed villagers mixed as hostages among the soldiers.[49] Or the Army may order a civil patrol to carry out atrocities, either in its village against particular suspects or in the neighboring villages. Atrocities serve the purpose of compromising the civil patrol with the Army, creating bad feelings between people and between villages, and destroying solidarity. A civil patroller in southern Quiché recounted to a nun how, in late 1983, the Army had come to a village with five prisoners, all taken from a neighboring hamlet. The villagers knew the prisoners and knew they were innocent, but the Army squad told the local civil patrol it must decide what to do—kill them or let them go free. The Army squad said it would come back to see what happened and left. The civil patrol did not know what to do; they didn't want to kill the 5 prisoners, but they also feared reprisals by the Army.

Most of the patrol were Catholic catechists, and they began to pray — the prisoners as well as the patrol. They came to a community decision to kill the men because "if we don't . . . the army will come back and massacre the entire village, and then the women and children will die too." The villagers lined up and embraced the condemned men, asking their forgiveness. One of the 5 asked them to "please take care of our widows and children, so they do not die from starvation, and please guard our crops and help our widows to harvest the corn." The Army

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Barrier to Human Rights in Guatemala," in *Human Rights and Third World Development*, ed. by G. Shepard and V. Greenwood (Westport, Conn.: 1985)].

49. Americas Watch, *Civil Patrols in Guatemala*, *op. cit.*, pp. 56-57.

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squad reappeared shortly after the shooting; it had been hidden nearby, and that day there were 5 new widows and 18 fatherless children.[50]

Such actions — Army war crimes, for what that is worth — are part of the first phase of counterinsurgency; direct action against the guerrillas and scorched-earth against civilians. But, as a senior US military officer at the Embassy remarked of the civil patrols, "it is a brilliant idea in the end . . . if you're going to take an army that small — forty thousand men — and try to spread them out, then, for godsakes, you've got to have something else. It came right out of the Little Red Book; you have to separate the guerrillas from the civilian population."[51] Civil patrols are most important over the long run, however, as the new center of village life and the centerpiece of the permanent counter- insurgency strategy. In many villages of the highlands, now in the consolidation phase of counterinsurgency, the civil patrol and its military-appointed commissioners have replaced the traditional mayoral government of the indigenous Mayan communities. Indeed, civilian leaders in several highland communities indicated that fewer than half the villages in their municipalities had civilian mayors anymore. As one municipal secretary in the Quiché explained, whether a village has a civilian mayor or not, the municipal government (sometimes in the position of funnelling aid from the central civilian government) was always careful to work through the heads of the local civil patrol, who are appointed by the local Army commander. "The people are fearful of being led astray by subversion," he said, "even when it comes from the civilian government. They always want to be sure the Army has approved whatever they do, through the civil patrol chief."[52]

In Nubilá, an isolated village in the Department of Huehuetenango, the mayor was completely pushed aside by the local civil patrol commissioner, who had been helping himself to the harvests of villagers who fled to Mexico in earlier years.[53] The official mayor of the village, the traditional *alcalde*, responded to an important question about the division of lands and harvests by saying simply, "The *comisionado* decides." By May 1987 — nearly a year and a half into the new "democratic" regime in Guatemala — the *comisionado* still held life and death power over the village. Since his power was derived directly from the Army

50. Author interview, Guatemala City (June 1985).
51. Jean-Marie Simon, *Guatemala: Eternal Spring, Eternal Tyranny*, (W. W. Norton, New York 1987).
52. Author interview, El Quiché (September 1987).
53. Author interview (Nubilá, May 1987).

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base commander, it did not appear the situation would change soon, even if one *comisionado* were substituted for another. The *comisionado* decided who could enter the village, who would get passes to go to the fields, how often the men had to serve in the civil patrol and who to report to the local base commander as a subversive. Gradually, all important decisions in the village came to be decided by him, or the base commander himself. The chain of authority rises directly from the village into the Army. Civilian institutions of the "democratic" government function, in Nubilá, as mere technical advisors to the Army, even if the official organization chart says otherwise — for what civilian bureaucrat would argue with the Army? The civil patrols, in effect, are the Army's way of saying in the highlands, we are here to stay.

Consolidation began to predominate over scorched-earth after Ríos Montt was ousted as head-of-state on August 8, 1983, following a meeting of the military commanders at the Honor Guard Barracks. He was replaced by Gen. Oscar Humberto Mejía Víctores. Much has been made of Ríos Montt's eccentric evangelism as a reason for his departure from the National Palace, and certainly it played its part. He sermonized on television, and installed advisors from his US-based fundamentalist sect, The Church of the Word (El Verbo), in the Palace itself, which raised nationalist and Catholic hackles. However, sources in the officer corps also emphasize that Ríos Montt's departure was contemplated from the beginning. He had a job to do — roughly speaking, to carry out the policy of scorched-earth — and when it was done, he was replaced with another general, Mejía Víctores, who was to gradually shift the emphasis over to consolidation techniques. Mejía Víctores' other task was to prepare (or at least serve as figurehead in the preparation of) the non-Indian "*ladino*" population for the form of civilianized "strong state" contemplated by the military. This is not to say that rural massacres, urban killings, and disappearances did not continue under Mejía Víctores. They did, but even so the consolidation phase gradually gained *institutional* priority, as guerrilla organizations declined in strength and the Indians gradually found themselves facing starvation or grudging cooperation. The foundation for the strong state had been laid in the countryside; the war had been won and occupation began. The Army's long term task in the highlands was to minimize the cost of social control while maximizing security; it created a gulag and called it development. Among the *ladino* sectors, mostly in the cities, however, the problem was different. The *ladino* civilians were needed for the next project, the project of legitimacy, and

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so some kind of bargain, however unequal, had to be struck with them. With the Indians, by contrast, there was no need to bargain; they were, as the Americas Watch called them, "a nation of prisoners."[54]

The watchword of the military counterinsurgency strategy from 1982 forward has been continuity — continuity and a long-range vision of the strong state. The zone commander from Cobán took pride in observing that the Guatemalan Army, by its own estimation, was the most professional in Latin America because it had mastered the technique of preserving a continuous strategy even while changing personnel. Guatemala, he said, was far ahead of a country like Paraguay, where an aging *caudillo* had held on to power for thirty years. It was far ahead of Somoza's Nicaragua, where the ruling class had foolishly committed its interests into a single family. It was even ahead of Pinochet's Chile, where the officer corps was united behind a single general, who, because he had held power so long, served as the lightning rod for all national and international opposition, and was unable to see the way forward to a strong, but simultaneously *legitimate* state.[55] In Guatemala, the leaders rotated each to his task, while the guiding vision remained the same.[56]

The same Army strategy that guided Ríos Montt also guided, in his turn, Mejía Víctores. "But don't think," added the Cobán colonel, "that Cerezo is any different. He's just a continuation of everything that's gone on before." And so, after so much slaughter, Vinicio Cerezo Arévalo — the logical next step in the Army's campaign of permanent counterinsurgency — might better have begun his inaugural speech in the manner of a joke current during the Lucas García years, where the president steps to the balcony and addresses the crowd, "Dear . . . survivors."

IX

But some things *have* changed under the new civilian government. The presidential election was clean, in the narrow sense of being free

54. Americas Watch, *Guatemala: A Nation of Prisoners*, *op. cit.*

55. Which is to acknowledge the unfortunate fact that a strong and repressive state can indeed be legitimate. Legitimacy, in the contemporary sense, combines moral factors such as popular participation in government and respect for human rights with such non-moral factors as simply ruling a *long time*. One might well dislike the governments of Eastern Europe, but one would be hard-pressed in contemporary usage to say that they are not *legitimate*. See Istvan Lovas and Ken Anderson, "Friendly Repression in Hungary," *Telos* 54 (Winter 1982-83), p. 85.

56. Author interview, Cobán (January 1986).

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from electoral fraud, which by itself is unusual for Guatemala. The winner was actually sworn into office and was, moreover, a civilian which again is unusual for Guatemala. Congress meets and passes laws, some of which the Court of Constitutionality has found within its independent power to strike down. To some degree, the three branches of civilian government are operating again. Guatemala has a new constitution — its fourth in as many decades — which, just like the old ones, is impeccably respectful of individual rights. Congress even passed the tax reform, over the objections of the Chamber of Commerce; the middle and upper classes, under the direction of the parties of the middle and far right, are assembling in the streets to air their considerable disagreement with the Christian Democratic government.

Such participation is not limited to the right. Earlier this year the private sector labor unions held a sizable May Day parade. The banners carried by unionists went so far as to call for human rights trials of military officers — to be sure, many of the marchers prudently wore scarves over their faces. A major strike by public sector workers in May of this year was tolerated by the government without killings or disappearances, even though in the government's view it was illegal. Street vendors held their own protests against government plans to push them off some major streets.

Even with such natural caution, the main plaza has been witness to various popular demonstrations since Cerezo took office. Padre Andres Girón, for example, marched on the capital with tens of thousands of peasants on the capital last year demanding, if not precisely expropriation of land, then *some* kind of agrarian solution. This year Girón held a hunger strike in the main square, until the government handed over several of its large farms to his peasant organization. After the not-unexpected threats on his life, the priest was assigned bodyguards from Army Intelligence by President Cerezo himself.

Even the GAM — the Grupo de Apoyo Mutuo, an organization of relatives of the disappeared and the sole human rights organization currently operating in Guatemala — has been able to protest publicly and even engage in civil disobedience. By contrast, in 1985, during the last year of military government, then head-of-state Gen. Mejía Víctores was asked by a journalist what he thought of the GAM; he replied, "You'll know it when you see it."[57] Within weeks two leaders of the GAM, as well as several of their family members, had been brutally

57. Comment by Head-of-State Gen. Mejía Víctores to reporter from Teleprensa Television (March 1985).

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tortured and murdered. In 1986, the first Cerezo year, however, the GAM physically intruded into an Army parade; the Army column, although angered, gave way and withdrew. In 1987, frustrated by the government's failure to appoint a promised commission to investigate the disappeared, GAM occupied the Congress; that, too, was settled peacefully. GAM holds weekly protest meetings in front of the National Palace, unmolested.[58]

The political parties have clearly benefitted the most from the political opening. All of them agree that the current political space has permitted them to return to organizing, building local support, training party leaders to replace those killed in earlier years, and holding mass meetings. Even the head of the most left-leaning party, Mario Solórzano of the Social Democrats, confirms the existence of this political space.[59] Several radicalized Social Democrats, who privately see the party as cover for organizing a revolutionary socialist agenda, agreed that this civilian opening had given them essential breathing room to regroup and rebuild their cell organization.[60]

But all this is the result of the military's dual project of counterinsurgency with legitimacy. Legitimacy requires a civilian regime, and a civilian regime requires political parties. Moreover, the demands of the political parties are satisfied fairly easily with civilian offices in the government, patronage, and seats in Congress — none of which goes to the basic power equation in the country. The parties fight among

58. See Americas Watch, *Guatemala: The Group for Mutual Support* (New York: 1985). The subsequent history of GAM has been one of political marginalization, partly through actions by the government and partly through its own strategic difficulties. GAM has become marginalized through its understandable attempt to make the issue of disappearances prior to Cerezo a crisis of political legitimacy for the Cerezo government. The military, however, had ruled that possibility out of bounds from the beginning as a condition under which Cerezo took office. In its fear of losing focus on disappearances occuring prior to Cerezo's 1986 inauguration, GAM never succeeded in becoming the voice for disappearances occuring after the beginning of civilian government, which has further marginalized it. At the same time, GAM has eschewed participation in the admittedly limited possibilities of the legal system, holding out again for a political crisis and resolution, which as time goes on becomes less and less important on the national agenda. In the first weeks of civilian government Cerezo may have felt that he *had* to respond to GAM, although he believed he had very few options to do so and none which would satisfy the group. Therefore he did nothing — no crisis ensued, and now he finds himself under no substantial pressure to respond at all. In recent weeks a member of GAM *has* attempted to file court papers in a *habeas corpus* action and use the court system, but has received death threats as a consequence. This calls further into question the efficacy of utilizing the legal machinery within Guatemala.

59. Author interview, Guatemala City (May 1987).

60. Author interview, Guatemala City (May 1987).

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Girl at the Funeral of her father, who was killed by the Security Forces

themselves, and largely neutralize each other as a source of confrontation against the military. In the current struggle over taxes, the parties of opposition hope to have found an issue with the leverage to cripple the Christian Democrats in the next elections.

X

Unlike political parties, by contrast, unions are far less necessary to the project of legitimacy, although abroad President Cerezo has claimed that "the biggest [positive] change that happened was in the Army and the trade union[s] . . . . We have had a very good dialogue. . . ."[61] Moreover, unions have to measure their effectiveness against the harsh

61. Vinicio Cerezo, Speech at the Center for Interamerican Relations, (New York, September 1986).

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reality of the wage struggle of the rank and file, not by the relatively meaningless number of seats in Congress controlled by this or that party. Indeed, the unions are a positive challenge to the legitimacy of a government which, for all its talk, never seems to do anything concrete for labor's economic agenda. Not surprising, they have found the new political space far smaller and far more fraught with danger than the political parties have. Unions face their traditional enemies in the oligarchy and the Chamber of Commerce. They face their traditional enemies in the Army who, nonetheless, in order to show that their line is independent of the oligarchy and in order not to undermine their project of legitimacy for the civilian government, have shown a certain restraint in killing and "disappearing" people even while stepping up intimidation, at least during the initial months of civilian government.[62]

Finally, unions also face the ruling Christian Democrats who see them as a threat because they question the *effectiveness* and hence the legitimacy of the government. The ire of the civilian government has been directed mainly against the public employee unions which dared to strike. It acquiesced, apparently, in the kidnappings of several public employee union leaders.[63] Yet so far the kidnapped public employee leaders have been released alive — often tortured and beaten, but alive — symptomatic of the mixed messages broadcast by a government trying to consolidate both counterinsurgency and legitimacy. Union leaders in the private sector have not been so fortunate; several have been killed despite the protection supposedly provided by the political opening. No one is suggesting that Cerezo is responsible — clearly he is not — but since he took office at least six unionists have been killed, two disappeared, and several attacked.[64] One union leader, asked what the civilian political space meant, shrugged and said, "Well, for the

62. This restraint is breaking down in recent months. Violence by the Army and police hidden under the civilian surface apparently is escalating considerably, to judge from reports on political violence from *Central America Report* (Guatemala City: 1987) and from information currently being gathered by Americas Watch for a report in early 1988. Evidence of military or police involvement belies the claim that killing labor leaders is essentially a private function of the oligarchy to which the military merely turns a blind eye. On the contrary, it supports the far more distressing view that political killing is coordinated by the Army. These labor leaders were not apparently directly involved in actions which might irk industry or ranch owners. Rather, the logic is that to be a labor leader is to be a communist, which is to be a subversive, which is to be a target of counterinsurgency, which makes it *directly* an Army problem.

63. See Simon & Anderson, "Guatemalan labor and human rights," in *Against the Current*, 1988, forthcoming.

64. Guatemalan Human Rights Commission (July 1987).

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moment they are not killing us outright."[65]

For the unions the political opening means their leaders are not being killed *en masse*. There is still violence against them, and there is always the threat that levels of violence could be raised at any moment if the unions attempt real political action or attempt to join forces in an effective coalition. Presently ineffectiveness is their best protection against kidnapping. For GAM the political opening has meant official indifference to its protests rather than death; in response to its demands for information about the disappeared, Cerezo merely replies that he is not responsible for what went on before his inauguration. "We are not going to be able to investigate the past," he said shortly before the 1985 election, "We would have to put the army in jail."[66] Gen. Gramajo has blandly suggested that, anyway, the disappeared are all in communist Nicaragua, while the judge appointed by the Supreme Court to investigate disappearances has suggested they went to the US to work.[67] For public sector employees, the opening means the chance to strike — but they got nothing from the action, and were forced to back down. Even Padre Girón has not really succeeded in putting the *national* issue of land reform on the table; all he has been able to attain is a limited amount of land for a few thousand members of his organization. Land for the millions, rather than for the few thousand, cannot be satisfied merely by the government handing over some of its own farms.[68]

Even those who work in the political parties, who have gained the most from the opening, constantly look over their shoulders to see if this fragile space is about to collapse behind them. The reason is clear enough: this opening is wholly the result of military will. The Army opened up this space for reasons of its own, which have little to do with sentimental attachment to democratic institutions. If and when it feels like, it can shut it again. It need not require anything as clumsy as a *coup d'etat* — that would cost all the legitimacy for which civilianization was carried out. Besides, Cerezo has indicated that the real point of his "transitional" regime is not democracy but rather to show that a civilian can last a full five-year term in Guatemala. Whether Cerezo has accurately assessed the power of his office or not, it is clear that he does not have the power to prevent Army security initiatives, whether in rural

65. Author interview, Guatemala City (July 1987).
66. *International Herald Tribune* (November 4, 1985), as cited in *The Human Rights Record* (London: Amnesty International, 1987), p. 6.
67. Author interviews (Guatemala City, May 1987).
68. Author interview, Nueva Concepción (May 1987).

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counterinsurgency or urban state terrorism. Labor and peasant leaders indicate privately that they fully expect another wave of repression against them, another round in the cycle of violence which has operated since the 1954 CIA coup. The question for them is not whether but when, and none of them believes that Cerezo has the ability to protect them. Thus it is not surprising that Cerezo, even during his first year in office when his legitimacy was strongest, backed off an investigation following the murder of one of his own Christian Democratic party secretaries outside Guatemala City. Before the man died he named the police and local security forces as his killers.[69]

XI

The Army has defined a perimeter for civilian political activity — a playground, really — and made it clear that its limits are not to be breached. Unfortunately, that political space does not contain the necessary political resources to take on the issues which define class and ethnic struggle in Guatemala — wages and working conditions for the working class, employment for the unemployed, and land for the peasants. Sooner or later, some group will have to take on that perimeter, because there cannot *be* many other reasons for politics in Guatemala. The Army will be ready for them, with the whole structure of counterinsurgency refined and finely-tuned enough to satisfy the demands of both security and legitimacy. The same officers who ran the operation of counterinsurgency in the field during Ríos Montt and Mejía Víctores have been promoted — after all, unlike Argentina, they *won* their war. They have not been exiled to posts in Paraguay and Iceland; they are in the National Palace in the Ministry of Defense, in the Military Academy, in the National Police.[70]

It should not be thought that the structure of terror is especially in abeyance, waiting for the popular sectors to make a move. To be sure, the rural massacres presently do not occur, and 800 bodies are not found in the streets every month. On the other hand, people are still disappearing and being murdered in Guatemala, and even if it is not convenient to the project of legitimacy to make them obvious, bodies are still found with the marks of assassination by Army Intelligence — hands tied behind the back and the famous *coup de grace* through the forehead. Newspaper stories, although there are fewer of them, do not

69. See Americas Watch, *Human Rights in Guatemala During President Cerezo's First Year* (New York, February 1987), p. 33.

70. See Nairn & Simon, "The Bureaucracy of Death," *The New Republic*, *op. cit.* p. 13.

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vary much from how they read in earlier years: "Heavily armed unknown assailants pushed so-and-so into a van with polarized windows."

Perhaps the clearest recent case showing continuing Army involvement in disappearances was the abduction during Holy Week of Débora Carolina Vásquez, an architecture student who returned from abroad to spend the holidays with her family.[71] A few days after her arrival, she was abducted at a gas station in front of a crowd of people; her father was severely beaten when he tried to intervene. Uniformed police agents followed the kidnap vehicle to the entrance of the Army's General Barracks. Vásquez' father, however, was a Central Bank economist with high level connections, and he was able to negotiate his daughter's release from Army Intelligence. She subsequently fled to England. The total number of political killings and disappearances — which certainly number in the hundreds since Cerezo took office — is difficult to determine with precision, and will be, until some human rights monitoring group is able to open safely in Guatemala and keep count. But the real point, as a former US diplomat in Guatemala observed (departing drastically from the Embassy's official line) is that whether the numbers are up or down this month or last, the structure of terror is in place and *operational*.[72]

The civilian sectors — and especially the political parties — have recognized that the only game in town is to maneuver for *relative* advantage within the confines of safe political space. Political activity is almost entirely inwardly directed — the civilians are all talking, fighting, and negotiating *with each other*. For them it is a zero-sum game with a certain quantity of political goods, and what one civilian group or party wins comes at the expense of others. This is convenient for the Army; the civilians all tend to cancel each other out. They are careful not to take on the Army. When they attack the government, they attack the *civilian* government. Everyone comes to demonstrate at the National Palace; no one routinely shows up to protest in front of the Military Academy. Although every political party has lost dozens (in the case of Cerezo's Christian Democrats, hundreds) of party workers to Army repression over the years, no serious attempt is made by the parties or the government to investigate. The political goods offered by the military are essentially a chunk of the technocracy of government, but nothing touching fundamental security or economic policy. The civilian government is free to *back* the established line, and even to take

71. Author interviews, London and Guatemala City (April-July 1987).
72. Author interview, Guatemala City (August 1987).

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credit (as well as heat) for it, but it is not free to *change* the line fundamentally — which is not democracy.

The justification for this state of affairs is that this is how Cerezo can "consolidate" power and carry forward the slow transition to true democracy. One begins with the trappings and moves to the substance. Unfortunately, the available evidence does not give reason to think this maneuvering by civilians within the defined political space has any impact whatever on the perimeter of that space and the Army beyond it. Cerezo has made no fundamental challenge on economic issues and the division of land and wealth in Guatemala. With the sole exception of tax reform, the oligarchy has reasons to be satisfied with Cerezo.[73]

Cerezo once proposed, a few months into office, local community votes on whether to continue the supposedly voluntary civil patrols in the highlands; the Army opposed it (and it was never aired again). Gen. Gramajo made some public complaints about the quality of the police force, and within weeks the police chief had been fired and replaced by an Army colonel. The timidity of Cerezo's actions in security as well as economic matters suggests, contrary to the myth of consolidation, that by accepting the trappings of democracy without the substance, Cerezo forever bound those who come after to the social compact and its division of power, security arrangements, and relative economic burdens and benefits as they existed when he took office.

Yet everyone in government talks a great deal about the process of consolidation, though no one is able to come up with concrete examples of how civilian maneuvering will shore up the perimeter of political space against the day when the security forces decide that enough is enough, much less open the gates to encompass something that could be called democracy in substance as well as electoral form. Instead, one is left with appeals to the "changing ideology" of the Army, and the exceedingly sentimental thought that victory in the counterinsurgency war has taught the Army that it does not really need counterinsurgency, whereas the whole point of civilian government, for the Army, is to institutionalize it. On this point the High Command is absolutely explicit. Gen. Gramajo has taken to inverting Clauswitz in his speeches, saying that here in Guatemala, "we have made politics the continuation of war by other means." But in fact the Army has simply denied the distinction between politics and war, and the tactics of the "dirty war" have become the tactics of peacetime politics.

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73. Moreover, the truly wealthy were not planning on paying the new taxes anyway.

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Meanwhile, the desire to maintain at least the trappings of power leads the Cerezo government to claim it has more power than it actually has. It must cling to the façade that "consolidation" is in fact taking place. Cerezo used to admit freely that he holds no more than 30% of the government's real power. He no longer makes those speeches, at least not to the Guatemalan public; he saves it for occasions when he has to explain to foreigners why he has not done anything about the thousands of "disappeared." He used to admit that the security forces engage in human rights violations, but not any more because they were supposedly "reorganized" and cleaned up last year. The Cerezo government has become trapped in the amber of its own public relations, the myth of democracy, and it has ceased, except feebly, even to struggle.

XII

"The military in Guatemala," said the Bishop behind the closed door of his office, "has its project."[74] That project is not democratization; it is time to give up the myth that the civilian government is taking tiny but incremental steps toward democracy. The evidence does not indicate that the civilian government is gaining control over fundamental security and economic policy; rather, it is the Army which is consolidating control. At the same time, the project is not an authoritarian form of development-for-security, either. It is time to give up another myth, nurtured openly by some on the right and in secret by some liberal left authoritarians, that with the problem of social order solved in the short term — no matter how abusively — the Army will institute a heavy-handed version of social justice and development at the expense of the oligarchy, if only to forestall new threats in the middle and long term. The facts of highland development do not corroborate the Army's occasional rhetoric of rural development and, in any case, even rural development does not wave a moral magic wand over the human rights objections to repressive development-security programs. The Army and the oligarchy have their disagreements, particularly over who will ultimately be preeminent in civil society, but that will hardly lead the Army to a wholesale change of class allegiance, even if it becomes a third-world, Latin version of the New Class. It is not seeking to develop the highlands and externalize the costs onto the oligarchy.

The Army's project is permanent counterinsurgency — the evolution of a state consolidated around the Army, and an Army consolidated around

74. Author interview, Guatemala City (September 1987).

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a long term strategy of counterinsurgency. An uneasy peace reigns in Guatemala, imposed by the Army which imbued it, by Gen. Gramajo's admission, with all the threat and insecurity of war. There is always the threat that yesterday's levels of violence will reappear, and people still die and disappear through political violence in today's Guatemala. Political violence remains what it has always been during the 1980s — state terrorism directed by the Army. Those most at risk in the new Guatemala are those who have always been at risk in the midst of so much arbitrary government violence — especially unionists and peasant leaders still willing to address, even cautiously, the questions of land and wealth and social justice which this freighted social peace rules out of bounds.

In the meantime, the Army goes about building the strong state. Its building blocks are counterinsurgency, on the one hand, and the legitimacy of civilian government, on the other. The peasants have been flattened as a political force: who will speak for them? Their own leaders are dead and the guerrillas reduced to occasional desultory ambushes against the Army, which serve principally to justify permanent militarization in the highlands. The civilian government has no incentive to speak for the Indians who make up two-thirds of Guatemala's population; it represents the urban classes, and even if it were to give voice to the Indians, they would ask for land reform and the end of Army presence in the highlands. Since the civilian government cannot deliver on either demand, it is easier not to enfranchise them at all; better, from the government's view, to leave the highlands as a permanent military reservation. With one eye always fixed to monitor the counterinsurgency apparatus of the civil patrols, the Army turns to use civilian legitimacy to restructure its relationship with the oligarchy. Maybe it will succeed with tax reform, maybe not; there will be other issues as it seeks its lever into the economic soul of the oligarchy.

The strong state aims to reduce the destabilizing effects of a sovereignty divided historically between the Army and the oligarchy; founded directly on techniques of permanent counterinsurgency, it contemplates renewed insurgency over the long run and accepts the logic of cycles of political violence. The Army appears effectively to have checkmated the residual guerrilla organizations; perhaps it will get lazy or corrupt and permit existing groups to renew themselves, but as the colonels remark, such a possibility requires a substantial error by the Army itself. At the same time, future insurgency need not take on the same ideological or political character as existing organizations patterned on the Sandinistas in Nicaragua. It is not impossible that an

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indigenous ideology, for example, parallel to groups in Peru and fundamentally reactionary in character, might develop in the highlands. The strategic development of such groups cannot now be predicted.

There is no reason why permanent counterinsurgency cannot be the way of life for whole generations. There is no reason why it cannot be achieved within a framework of law and legitimacy. As long as minimal civilian forms of government are maintained, there is no great enthusiasm for challenging the right of Guatemala's rulers to rule — inside Guatemala it is too dangerous, and outside Guatemala, US liberals apparently prefer to accept surface forms so long as its foreign policy takes a politically correct line on Nicaragua. Legitimacy and counterinsurgency are dual projects for the Army to manage over the long term. It hopes to have both at once, and that gives it an incentive to remain concealed by the veil of civilian government. Which is why the true nature of "democracy" in Guatemala is reflected less in the actions of the civilian government than in the reflections of a colonel in the Army Civil Affairs Office, found at his desk, at the time of Cerezo's inauguration, reading Machiavelli. He had on the shelf behind him Hobbes, Mao, and Jeanne Kirkpatrick. When asked why Machiavelli, he replied: "Now that the war has been won, we have to learn how to govern these people."[75]

75. Author interview, Guatemala City (January 1986).

Guatemalan Family

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Subversion vs. Conformism: The Kadare Phenomenon

Arshi Pipa

Ismail Kadare is the outstanding figure of Albanian socialist realism, the only Albanian writer to have achieved an international reputation. His novel *The General of the Dead Army* (1970) has been translated into some fifteen languages, with French heading the list. In addition, the following novels have likewise appeared in French translation: *Les tambours de la pluie* (1972), *Chronique de la ville de pierre* (1973), *Le grand hiver* (1978), *Le crépuscule des dieux de la steppe (1981)*, *Le pont aux trois arches* (1981), *Avril brisé* (1982), and *La niche de la honte* (1984). His poems have also been translated into various languages. Selections of his poems constitute the greater part of a volume by Michel Métais, *Ismail Kadaré et la nouvelle poésie albanaise* (1973).

It is as a poet that the young Kadare made his debut (*Juvenilia* appeared in 1954, *Rêveries* in 1957). Subsequently he attended the Gorky Institute in Moscow. He could not complete his studies there due to the deteriorating relations between Albania and the Soviet Union, however, and in 1960 returned to his own country. His Soviet experience has since been narrated in *The Twilight of the Steppes Gods*, a satire of the Soviet literary scene during the Khrushchev era and, implicitly, a condemnation of the Soviet regime in general. A major novel, *The Great Winter*, depicts the momentous situation created in Albania by the country's impending rift with the Soviet Union.

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The Rebel

From a lyrical poet Kadare first evolved into a writer of long poems in which lyricism expands and overflows into narrative. Characteristic of this trend are *Twentieth Century* (1961) and especially *What Do These Mountains Think About*, written in 1962-64. Party ideology dots these lyric-epic poems, though almost absent from his earlier lyrical verses. "Poetry," a poem of 1959, ends with the lines "Poetry, / my last station." Certainly, Kadare's poems are better than the versified Party slogans of most of the Albanian poets of the time. Yet his real vocation was narrative. It gradually matured during his period of poetic apprenticeship to produce his first novel, *The General of the Dead Army* (1964).[1] The plot is based on an actual event, the exhumation of the bones of Italian soldiers fallen in Albanian territory during the Greco-Italian war of 1940-41 and the skirmishes between Albanian partisans and the Italian occupation army during the period 1942-43. The novel was such a departure from the track in which Albanian socialist realism had been plodding that it was bound to cause consternation, and indeed the dogmatists and conformists raised a hue and cry. The writer defended himself, but finally had to bow to pressure and modified the original text. But even so modified, the novel is an achievement. Obligatory doctrinal incrustations are absent. The writer manages to write a book the temporal frame of which is Communist Albania without even mentioning the Party.

In March 1966, the Party's Central Committee addressed an "Open Letter" to intellectuals, inviting them to do fieldwork in factories, cooperatives, hydrocentrals, railroad construction, and other socialist targets for nationalization so that writers, for instance, would obtain first hand experience of the economic problems facing the country and then write about them. Kadare's response was *The Wedding* (1967),[2] a "reportage" novel of what happens to a brigade of girls doing voluntary work in the construction of a railroad branch somewhere in Central Albania. Two of them end up as prostitutes; the railroad station is called The Station Without a Name; one of the trains is described as a Trans-European Express with "carriages . . . not in separate units. They resembled

1. *Gjenerali i ushtrisë së vdekur* (Rilindja: Prishtinë, 1977).
2. Ismail Kadare, *The Wedding*. Trans. Ali Cungu (Tirana: Naim Frashëri, 1967), p. 7. I have been unable to find the Albanian original, *Dasma* (1966). The citations are from the English version, with page numbers given in parentheses (a method also followed for citations from other works). A slightly modified version is *Lëkura e daulles* (The Drum Skin) (Rilindja: Prishtinë, 1980).

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up-to-date, beautifully furnished sitting rooms. Loudspeakers played music . . ." (78). The novel teems with sour jokes such as these, which ridicule the official propaganda trumpeting socialist achievements. The following sentence, for instance, is part of a speech by the Party secretary of the railroad station: "Raising the women to posts of responsibility, the initiative of the elderly people of Lapardha!" (40). The name can be read as a compound of the Italian feminine definite article '*la*' 'the' and *pardha* — '*pordha*' (def. '*pordha*') means fart (in the 1980 edition, '*Lapardha*' has been replaced by '*Korça*').

One understands why the authoritative *History of Albanian Literature of Socialist Realism*,[3] which dwells at length on Kadare's works, does not even mention *The Wedding*. It is in this novel that Kadare begins to forge the tools that he will sharpen in his subsequent works. Here he perfects his peculiar way of writing: a double-entendre way of writing, allusive and analogical and often allegoric, punctuated by insinuating hints and distant correspondences. It is a method of devious paths, short cuts and discursive gaps — a narrative style pervaded by malign irony in various degrees and supported by such rhetorical devices as ellipsis, hyperbole, caricature, and the grotesque. It is an electric eel-like way of writing, the aim of which is to shock rather than surprise — a use of language that often resembles the way a prestidigitator uses his hands.

Kadare's third novel is *The Fortress* (1970).[4] A huge Turkish army has besieged a fortified Albanian town, which is defended by its citizens, with the resistance leader Scanderbeg operating outside the walls. The name of Scanderbeg, the Albanian national hero who resisted the Turkish invasion of the Balkans in the second half of the 15th century, is the only historical indication in this parody of the 'historical' novel. The besieged town has no name, no date is supplied. Furthermore, Scanderbeg never appears in person. The besieged infer his presence from the beatings of an enemy alarm drum signifying his attacks against the Turkish army. These never see him either, his attacks being always nocturnal. Unseen by both besiegers and besieged, an "avenger" (80) angel to the former and a demonic terrorizing presence to the latter, absent as a person and present only as a name, Scanderbeg loses all individuation and fades into his own shadow. Because the cult of Scanderbeg and the cult of Hoxha have been developing in Albania

3. *Historia e letërsisë shqiptare e realizmit socialist* by a team of scholars with Koço Bihiku as editor (Tirana: Academy of Sciences of the People's Socialist Republic of Albania, 1978), p. 290.

4. Ismail Kadare, *Kështjella*, 4th rpt. (Tirana: Naim Frashëri, 1980).

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Albania simultaneously and in association with the country's break with the Soviet Union, the debunking of the Scanderbeg cult works, by analogy, as the debunking of the Hoxha cult.

The Three-Stage Chronicle

Chronicle in Stone,[5] which followed *The Fortress*, brings to a sharp point the author's rebellious non-conformism, this time by implicitly accusing the Communist Party of having fomented the civil war and turning the national war against fascism into class war.

The novel encompasses a period of time corresponding to the Italian occupation of Albania (1939-43), during which the country was an Italian province, with the Italian monarch Victor Emanuel III doubling as Emperor of Ethiopia and King of Albania. In 1940, Italy invaded Greece. The Greek army fought back, chasing the invaders and penetrating into South Albania. Gjirokastër, Kadare's native town, passed from one occupier to another. The Italian occupation of the country generated a movement of national liberation headed by two parties, the National Liberation Front (led by the Albanian Communist Party) and the Nationalist Front (Balli Kombëtar). Soon they clashed. The Germans, who invaded Albania after the collapse of Italian fascism (July 1943), supported the nationalists, whereas the British assisted the Partisans. These defeated their adversaries, liberated Tirana from the Germans, and established the People's Republic of Albania (November 1944).

The novel purports to be a "chronicle" of the city's experience of those events as told by the author, then aged four to seven — Kadare was born in 1936. But the adult author yields to the infant narrator, speaking his language and sharing his feelings. Since a child is not concerned with war except as a game, the narrator is fascinated rather than horrified by bombers and anti-aircraft guns. Much of what he tells is indeed typical of a child's life: playing with pals, listening to bandit stories, watching adult conversation and visiting relatives. Untypical is his precocious sexuality (his "first love" is for a married woman), his passion for reading (*Macbeth*, of all books), his contempt for schooling (a couple of scenes from school life occur, but none is lived by him), and his lucubration on figurative language (72-73).

We shall see whether the author has succeeded in putting himself in the child's shoes. *Chronicle in Stone* ends with a chapter "In place of an Epilogue — Difficult Chronicle." Difficult, first of all, because, as the

5. Ismail Kadare, *Kronikë në gur*, 2nd edn. (Tirana: Naim Frashëri, 1978). Citations are from this edition.

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author tells us in the novel's opening lyrical prose, "This was a steep city, perhaps the steepest in the world, having broken all laws of architecture and city planning. Because of its great steepness, it sometimes happened that the top of a house formed the foundation of another . . . . This was indeed a very strange city. While walking down the street, you could stretch out your arm a little bit and put your hat on top of a minaret. . . . It was difficult to be a child in this city."

People living in this "strange" city would not, one thinks, resemble usual city-dwellers; they were bound to have eccentric customs and ways of life, molded by the physical habitat. Indeed here lived "the matrons of life," centenary women "with little flesh in their bodies . . . like corpses about to be embalmed" (32), and who would go out of their houses only in exceptional circumstances, dwelling in them as if immured within their walls. This was the native town of Llukan the Jailbird, who preferred to spend his lifetime in prison, for "prison is the place for real men" (18). Where else could one find an inventor held in great esteem by his fellow citizens for having built a wooden airplane that was to fly without engine and fuel, propelled by the principle of the *perpetuum mobile*? Here old ladies would sip Turkish coffee, nostalgically remembering the days when Albania was part of the Turkish Empire, and then curse the war which prevented them from curing their rheumatism with "eels from [the] Yoannina [Lake]" (19). Kako Pino, whose profession was to embellish brides, would bring her portable beauty shop to the city's fortress, now turned into an air-raid shelter, for "weddings will always take place, at all times in all ages, until judgment day" (153). Here Jorgji Pulo would call himself Giorgio Pullo or Jorgo Poulos, according to whether Italians or Greeks held the city. Here a "hermaphrodite" would marry and a girl would grow a beard like that of a "mullah" (224). Here fathers would choke their pregnant daughters to death and throw them into wells. This was also the city where Hoxha, the communist Party leader, was born and raised.

Portraying these and many other original characters is, understandably, a difficult job. The writer did not want to produce a naturalistic picture of his city and people. Aware of the difference between reality as experienced and its aesthetic transmutation, Kadare spurned facile autobiographies: "There is no illusion more dangerous to an author than the illusion that events will be easy to write about because he has experienced them. In reality the converse is true. This type of work is started with enthusiasm. Then suddenly, in midstream, you are faced with the cold realization that the work is beginning to lose substance,

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that little by little it is disintegrating. You see that this is no longer a literary work. . . ." (229).

Writing a "literary" work, not an autobiographical novel: this was the task the author set himself. The work went through no less than three versions before it took its definitive form. Consideration of the genesis of the novel will show the amount of literary labor put into its making.

What could be called the novel's embryo (henceforth A) appeared in the periodical *Nëntori* (1964) under the title "The Southern City,"[6] a sequence of twelve lyrical scenes from the author's childhood. The longer scenes (we shall call them episodes) bear a title, whereas the shorter ones, regularly occurring after each episode, are termed interludes. The second version (henceforth B) was published in 1967 as part of a collection of short stories, *The Southern City: Short Stories and Reportages*.[7] It contains 18 pieces, 9 episodes and 9 interludes, the last three being political.

Chronicle in Stone (henceforth C) appeared in 1971. In it new pieces have been added,while several interludes have been developed into episodes. The novel has 18 chapters, a chapter containing one, two, or more episodes. Each chapter is divided from the next by one or two interludes (without title but in italics), usually coupled with fragmentary prose termed "from the chronicle." These pages, without beginning or end, seem to come from a partially burnt notebook supposedly written by the city's chronicler, Xivo Gavo. The "chronicle" pages provide a temporal frame for the episodes and interludes while also supplying a ballast of objectivity for the larger subjective part. In other words, C is structurally different from A and B. For while the first two versions are random childhood memories devoid of a temporal frame, the third version is indeed a chronological novel (hence the title). The memories have been transformed into episodes which are held together by the personality of the child narrator. It is he, not the author, around whom the episodes are organized. To augment this effect, the titles have been omitted — they figure in both A and B. The definitive version of the novel appeared in 1978. It is the same as C, except for the added epilogue. In it the author describes his work as "a novel [constructed] with autobiographical elements of my childhood" (232). This is to say that autobiography supplies only the raw material for the making of the novel. Using one's life to make a work of art is an aesthete's practice. So also is indulgence in the theme of sex — Kadare more than indulges himself on that theme, something taboo to puritanical Albanian socialist realism.

6. "Qyteti i Jugut," *Nëntori* (1964) 12, pp. 3-33.
7. Ismail Kadare, *Qyteti i Jugut. Tregime dhe Reportazhe* (Tirana: Naim Frashëri, 1967).

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Sex is already conspicuous in A ("First Love [Margerita]"). In *Chronicle in Stone* it runs through the narrative like a red thread. Already in chapter 3, a young woman appears — perhaps the author's highest female creation — the beautiful bride whose husband is believed to be impotent. The child narrator and his friend roam around her house to catch sight of her: "Her fingers played with her thick braid while a strange magic light flashed intermittently in her eyes" (29). Immediately after, Susan is introduced: "As soon as she heard that I had come, she would run out and flutter around Babazoti's house until she met me. In her flutterings there was something butterfly-like and also stork-like. She was taller than I, and slender, and she had long hair which she combed endlessly in different ways. Everyone said she was lovely"(45). Lovely, and wicked, too. Once she asks the boy whether he knows bad words. His answer is "Che pu[t]tana!," an expression heard from an Italian officer. He falls in love with Margerita instead, a married woman and a thief. She steals his heart as well. To see her, the boy climbs onto the roof and watches her from a crack in the ceiling of her room: "I waited a long time until she came out of the bath. . . . When she took off her bathrobe and bent down to get her underwear off the bed, I closed my eyes. When I opened them, the lace trimmings on her body looked like butterflies sitting in rows on her legs, under her hips, on her breasts, like the white butterflies on the fields that come out in the spring and which I had often chased without being able to capture one." (60)

In the cellar of the boy's house, now turned into an air-raid shelter, the kerosene suddenly goes out from the explosion of an English bomb. When a lamp is lit, two lovers are seen embracing one another. The girl's father rushes out, dragging the girl behind him. Soon after she disappears. When the narrator tells Susan the story of the lovers, she invites him to play the lovers' game in a cave which has served her family as an air-raid shelter. They repeat the game many times, until they are caught by the girl's mother.

Whereas the narrator's sexuality is precocious, his waking up to the reality principle is slow. He has learned the meaning of "occupied city" after much wondering how a city can be unoccupied. When his politically-minded younger aunt comments that the assassination attempt on the Italian King of Albania failed because a rose bouquet stood in the assassin's way, the boy shows no curiosity as to who Victor Emanuel is. His family can hardly manage to make a living, yet the conversations about economic difficulties are "boring" to him (15, 106). He has no understanding of work. Looking at villagers leaving the city

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market, he imagines them returning not to their homes, but to bushes in the hillocks where they would "crouch" like animals, waiting for the next market day to re-enter the city. In the countryside, walking on tilled soil, he wonders why the earth is soft and why the peasants have reduced it to that state. In all these acts, he behaves like the spoiled boy of a bourgeois family, certainly not a good example for socialist education.

The defeat of the Italian army by the Greek army, which carried the war into South Albania, was an instigating factor in the rise of the Albanian movement of national liberation, the Communist Party being formed towards the end of 1941. The first political episode in *Chronicle in Stone* is found in chapter 14. This starts with a scene showing two trucks filled with antifascists being sent to internment. The reason is that "they have spoken against," as a passer-by puts it. The day after, the narrator and his friend decide that they, too, will "speak against" from the top of a roof: " 'Mumbo-jujumbo!' I muttered. 'Gainst-tantara-bing-bang-grains!' said Ilir. We thought for a while. 'Long live Albania!' said Ilir. 'Down with Italy!' 'Long live the Albanian people!' 'Down with the Italian people!' Silence. Ilir looked thoughtful. 'We're wrong,' he said. 'Isa said that the Italian people are not bad.' 'No,' I insisted. 'If their planes are bad, how can the people be good?' Ilir was confused. He seemed to change his mind. But just when he appeared to be convinced, he said stubbornly: 'No.' 'You're a traitor,' I told him. 'Down with traitors!' 'Down with fratricide!' Ilir hollered, balling his fist" (180).

The dialogue renders pertinently the effect of political slogans on children. Indifferent to politics, they play with them as they do with language in general, aping the sounds and confusing their meanings. Here, "Long live Albania!" and "Down with Italy!" are preceded by childish gibberish. Then the narrator confuses Italian fascism with the Italian people. His friend checks him; he has learned from his brother, a communist student, that people and states are not the same. The narrator responds with a typically childish syllogism, which fails to persuade his more sensible friend. The narrator gets angry and calls him a traitor. His friend, taken aback, replies with "Down with fratricide!," a Ballist slogan — at the end of the preceding chapter a Ballist chief harangues the populace on precisely the theme of fratricide (173). The first bloody clashes between partisans and nationalists have already occurred. The Communists accuse the Ballists of compromising with fascism, thus betraying the cause of national liberation. The Ballists call the communists traitors for playing into the hands of the Yugoslav

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Communist Party and for inciting fratricide to further their revolutionary ends. The exchange of the last two slogans therefore sets up the two children as champions of the two opposite political parties, the narrator representing the position of the Communist Party and his friend that of the Nationalist Front.

What is Kadare's position on this crucial point? We shall soon see that he disapproves of civil war, which was fomented by the Communists. Yet he clearly condemns the Nationalist Front as well, as, for example, when he has the man who strangles his own daughter end up as a member of that organization. The author's stance for neither the Communist Party nor the Nationalist Front is suggested by the rhythm and rhyming of the childish gibberish: "xhúndrabullúndra" (translated "mumbo-jumbo") and "shtráftra-kallamashtráftra" ("gainst-tantara-bing-bang-grains"). The first is a five-syllable Communist slogan, while the latter, "*shtráftra*-kallama*shtraftra*." imitates the rhyming of the Ballist slogan "*Shqipëria e Shqiptarëve*" (Albania [is] of the Albanians), the Ballist slogan for ethnic Albania as defined by its linguistic frontiers. To Kadare slogans — all slogans — are jargon no better than childish gibberish.

Chapter 15 opens with the Enver Hoxha episode. He is wanted, his house has been burned down, the children play in its ruins. "They say he is the leader of the war against fascism," Xhexho, a busybody and gossip, reports, adding: "He is also the *inventor* [emphasis added] of that new war, class war . . . " (188). That same day the Italian city commander is murdered, and the next day, Isa, the brother of the narrator's friend, is arrested. He is hanged together with two communist girls. On the day of the hanging, furthermore, Isa's friend, Javer, kills the Ballist commander — his own uncle — at the dining table, shoving a gun into his mouth: "One after another, the bullets exploded into his cheeks, the skull, and parts of the scalp. Pieces of half-chewed meat, mixed with chunks of the man's head, fell on the table" (192).

Here it is the authorial persona that reports; the child narrator has not witnessed the macabre episode. Soon after this, Italian fascism collapses, the Italian army is disoriented, the soldiers disband and desert, some of them joining the partisans. The author takes over for the obvious reason that the ideology governing these chapters is a burning issue which cannot be left to a child's discretion. Now the war against the fascist occupier is coupled with another war, class war, directed against the internal enemy. Xhexho explains: "In this war brother kills brother and son kills father. Kills him in the house at the dinner table"

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(188). Here Xhexho is the author's mouthpiece regarding the Party imperative to turn the war against the invader into class war, following the Bolshevik example of the 1917 Russo-German war which led to the October Revolution.

The author proceeds to illustrate class struggle with other episodes. Seeing from the minaret of a mosque the arrival of the partisans, a Moslem clergyman tries to gouge out his eyes with a nail, yelling: "I don't want to see communism." Hours later, a punishment squad knocks at the factory owner's door. The People's Tribunal has condemned him and his son to death as enemies of the people. They are gunned down. A partisan patrol passing by notices that the dead are three, including a woman. The squad leader confesses that he killed her by default. His excuse is rejected and he is shot on the spot after a summary court martial.

The penultimate chapter portrays the exodus of citizens fearing reprisals for having defended the city against German troops. At night, children watch Gjirokastër aflame: " 'That's my house, my house is burning! Hurrah!' 'You're lying. That's my house.' 'Why would your house be burning? Who is a partisan from your house?' 'My uncle.' 'What about my house! My brother is a partisan.' Then we started arguing about the flames. One of us was bragging that the flames burning his house were higher than those burning his friend's house. 'So you don't believe that all that smoke is from my house? . . . ' 'Smoke does not count.' . . . 'Just wait till my grandfather's Turkish books, as thick as baklava, start on fire,' I boasted. 'Just wait till they burn my grandmother,' said Lady Majnur's grandson. 'She is all lard.' 'Shame on you! How can you talk about your grandmother that way?' 'My grandmother is a Ballist' " (218).

The choral dialogue transforms a burning city into a fireworks spectacle — one thinks of Nero watching Rome ablaze. All these children have learned from the civil war is that they must hate the class enemy, be it their own father or mother. That is exactly the Party's prescription. Does Kadare share it? With the children is also the beautiful bride. She asks the boy whether he has heard about her husband, the pederast become a German spy, " 'What have you heard of Maksut?' she asked. I lowered my head and did not speak. Her fingers momentarily stroked my neck furiously, then became gentle again. 'It's burning. . . . Are you sorry?' I did not know what to say. 'I want it to burn down. Completely . . . ' (her word 'completely' sounded strange in her mouth) 'so that it be only ruins and ashes. Do you like ashes?' I was totally stunned. 'Yes,' I said" (219).

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How are we going to explain the narrator's yes? Does he pronounce that word only to please his fairy, whose fascination on him is a constant in the novel? The picture Kadare gives of Gjirokastër is that of a city inhabited by sexual perverts, sadists and terrorists and other abnormal people. The Italians have built a brothel in the city, to the great scandal of the population: " 'A man from every house!' Xhexho said. 'That's what they say. If they don't go willingly, they take them forcibly.' . . . 'Watch out that you don't go there!' she exclaimed" (75). Xhexho is expressing the wishful thought of the city's male population. Since the honorable family fathers and their adult sons cannot visit the brothel without being disgraced in the eyes of the public, they wish to be dragged there by the occupation authorities, thus saving face.

The brothel is a major theme in the novel. Lame Kareco Spiri, an assiduous client, is shown lamenting loudly in the streets the departure of the prostitutes. Another such client, Ramis Kurti, kills one of the prostitutes. When the Italians abandon the city, a young woman (in B she is shown courted by a young man and, because of that, kept in quarantine by her father) joins the brothel team. Here she is "the bearded girl," meaning a lesbian. One day a rainbow appears in the sky. "Strangely, the beginning of the rainbow was by the brothel; the end was at Aunt Xhemo's, a house which was held in very high esteem" (160).

We have already mentioned that the beautiful bride's husband, whose impotency is the subject of many a discussion in the novel, is in fact a homosexual, as hinted by his wife's reaction ("she narrowed her almond-shaped eyes") when a group of women chat about Bufe Hasani, another pederast, one who chases young soldiers, taking now an Italian, now a Greek lover (135). The case of a bisexual is more complex. Argjir Argjiri is described as "half woman and half man" (80), i.e. a passive homosexual. Because of his effeminate nature, he is allowed to enter households even when men are not at home. Suddenly, however, he decides to marry: "The challenge was frightful. The man with the effeminate voice was declaring his manhood. . . . The city blackened. The blow was intolerable. There wasn't a house where Argjir Argjiri had not entered, nor a woman that didn't know him. A black suspicion hung everywhere" (*Ibid.*). Having ignored repeated warnings to renege on his intended marriage, the "hermaphrodite" is murdered on the night of his wedding. A communist student comments: "This city has become like Sodom and Gomorrah" (81). A stranger, the only character in the novel who is a normal lover, names the cause of the city's sexual aberration: "In this city love is forbidden"

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(155). His own story is even more poignant. Having fallen in love with a city girl, he has made her pregnant. Suddenly the girl disappears. The stranger has learned that pregnant girls are, according to custom, either strangled or drowned. At night, carrying a lamp, he steals into houses and checks cisterns and wells.

The author's condemnation of the city is inexorable. The beautiful bride wants it burnt down; the child narrator echoes her wish; a communist student compares the city to Sodom and Gomorrah, which Jehovah destroyed because of the sexual perversion of the inhabitants. The question is, why is Kadare so negative about his native city?

In most of the sexual episodes encountered so far sex and murder are closely related. Analysis of the principal terroristic episodes confirms their kinship. "Two girls were hanged with Isa. The water dripped from their hair. Isa had only one leg, something comic, frightening. On his massacred face the only thing left whole were his glasses. . . . Javer's uncle Azem Kurti, the Ballist commander who had taken part in the execution, and, together with him, the son of Mak Karllashi, raised the skirts of the hanged girls with their canes" (191). The Ballist commander and the son of the factory owner raise the skirts of the girls to see if they are pregnant. In the previous chapter Lady Majnur, a rich landowner and a bitter foe of communism, has said that girls join partisans because they want to make love.

The capitalist Karllashi who owns a leather factory also has a daughter, apparently a university student (five or six Gjirokastër women were studying in Italian universities at the time). Xhexho describes the girl as one who "paints her lips red, bleaches her hair, smokes cigarettes and speaks Italian" (189). She is "extremely beautiful," with "golden hair like the sun. . . . No other woman in our city had ever had hair like that, except for one of the brothel girls, the one Ramis Kurti had killed" (*Ibid.*). A partisan kills this girl, after calling her a "slut." We have briefly described the episode. Here are significant excerpts: " 'Get away, girl!' he threatened, pointing the gun. The girl screamed. From behind the door sobs erupted again. 'Throw down the gun, you dog!' screamed the girl. 'Get away, bitch!' said the partisan, levelling the gun. 'Wait, Tare!' said one of the partisans, trying to push the girl out of the way, but in vain. 'Death to Communism!' shouted Mak Karllashi. The gun in the partisan's hand trembled. Mak Karllashi made the first move. The partisan tried not to shoot the girl, but it was unavoidable. She writhed, clinging to her father as if the bullets had sewn her body to his. . . . The partisan put the gun back on his shoulder,

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and would have left had not heavy footsteps resounded on the cobblestones at just that moment. It was a partisan patrol" (203-4). The partisan patrol arrests the killer; he is executed shortly after. "There was a brief salvo. The partisan fell face-down on the stone slates. They departed. The two comrades were the last to go. 'We lost Tare,' said one, 'for a prostitute.' 'They're killing each other!' someone shouted twice in the distance. Lady Majnur put her head out of the window and made a face. 'May they devour each other!' " (206).

The episode can serve as a sample of Kadare's manipulative narrative technique, consisting in emphasizing effects while overlooking their causes, or dwelling on them just enough so as to make them spark an action. Here the spark is the word "dog" with which the girl insults the partisan. He angrily reacts by calling her a "bitch," and then shoots her together with her father. Would a girl standing in front of a partisan who is pointing a gun at her father normally call the partisan a dog? Rather she would speak kindly to him, trying to save her father's life. Would a man kill a woman only because she called him a dog? The author says that "the partisan tried not to shoot the girl," but could not help it — it would have taken ten seconds to remove her from her father's side. And what to think of the patrol that arrives just at the moment when the partisan puts his gun back on his shoulder? No less incredible is the execution on the spot of the partisan himself, guilty of "misuse of revolutionary power." The obvious thing to do would have been to take the culprit to the Party headquarters, where his fate would more appropriately have been decided. The author skips these and other logical aporias, resolving the action expeditiously with a flabbergasting finale: the partisan, shot by his own comrades, is left like a dog on the ground, suffering the fate of the class enemies he himself has killed.

What the episode amounts to is double terrorism, i.e., terror against class enemies which backfires on communists themselves. It ends with the comments of someone shouting, "They're killing each other!" followed by Lady Majnur's imprecation, "May they devour each other!" These are Ballist comments which are, unlike the other elements in the episode, quite credible, the former being the ascertainment of a fact and the latter coming from a class enemy. The episode, a chain of unlikely actions attributed to communists, concludes with realistic comments attributed to Ballists.

Does Kadare truly intend to discredit the Communist revolution with this macabre, twice-terroristic episode? The last episode in the novel

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comprises another terroristic act, one whose victim is the husband of the beautiful bride, the homosexual spy. Murder and sex once more combined. The case of the murdered girl is governed by the same logic.

She is called a bitch by her killer, the word meaning (as in English) both 'female dog' and 'slut.' Previously the girl has been likened to a prostitute. When the one-armed partisan is dead, one of his comrades comments: "We lost Tare . . . for a prostitute" The idea that she *is* a prostitute informs her person. Now if sexual perversion characterizes the city's population, its cream, one thinks, must have developed vices to a higher and more refined degree. We saw that the capitalist's son raises the skirts of the hanged girls with his cane. His sister, who has just returned from Italy and is shown "bored" to death ("Oh, mother, what a filthy place this is!" [. . .]), must have a diversion. The sentence describing her action, "she writhed, clinging to her father as if the bullets had sewn her body to his," strongly suggests physical attachment.

Perverted sex, bloody sex. In A and B sex is totally free from vicious associations. In B, Susan is interested in puppets, not in listening to dirty words. No pederasts and lesbians in the first two versions. No brothel either. Why then is sex so much maligned in the novel?

Analysis of most of the episodes of both sexual perversion and terroristic violence in the novel has shown that sex is related to politics. In A politics is totally absent, while in B it is found only in the last three pieces. The question arises: Is the debasement of sex in the novel a consequence of the politicization of the narrative?

In B, one of the last pieces is about "white terror." The child does not understand the phrase, and when an adult mentions "class war" ("*lufta e klasave*") as an explanation, he asks: "What do the teachers do, why don't they reconcile them?" (60) — he is thinking of school classes engaged in fighting. The innocent joke is fully in keeping with child psychology. "Class war" reappears in the novel, but in a totally different context: " 'A new war has broken out,' she [Xhexho] said. 'What it is called I can't tell exactly — a war against classes or a class war [*luftë me kllasa apo luftë e kllasës*] . . .' " (188). Here the striking feature is the wrong orthography of the phrase, with *kllasë* given for *klasë* — in the quoted excerpt from B, the phrase is "*lufta e klasave*." Why has the spelling been distorted? Xhexho, a city dweller, has certainly heard the word sounded *klasë*, where *l* is a clear alveolar, not *kllasë*, where *ll* is a velar. The distortion is intentional. Xhexho, a traditional bourgeois or petit-bourgeois woman, does not like the idea of class war, as is made clear by the way she describes it: "In this war, brother kills brother and

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son kills father." We saw that in *The Wedding* Lapardha recalls La Pordha. There the pun revolved around a vowel, in Xhexho's text around a consonant. But if *l* can be distorted into *ll*, so could *k* into *g*. We would then have *glasë* 'droppings.' Does Xhexho have this in mind? After having described what class war is, the gossiper proceeds to illustrate it: "A certain Gole Balloma from Gjobek has come out and hollers in the streets. He will flay Mak Karllashi, he says. He will cure and dry his hide in his own tannery, and then he will make shoes with it and dance around in them" (188). While *golle* means emptiness, a hole in a trunk (here we have the inverse phenomenon, *l* instead of *ll*), *ballomë* (def. "*balloma*") means rag. The person in question, as defined by his first and last name — something like "rag riddled with holes" — is a lumpen ('rag' in German), a riff-raff belonging to the scum of society. From here to animal droppings the distance is short. ("Cow dung" [216] is spelled out in the countryside episode). And in chapter 2 there is a paragraph in which reactionary city ladies use the expression "pardon me" ("*me nder*") when referring to peasants, "as if they were referring to a lavatory" (19). Judging from the way she speaks, Xhexho is as reactionary as these ladies.

She also says that class war was "invented" by Hoxha, thus implying that civil war, a consequence of class war, is a communist stratagem for seizing power. Xhexho's speech on class war is preceded by an episode the subject of which is the "inventor" of that war: "A proclamation was posted on the ruins of one of the walls. We always played by these ruins; lying in distress, they were *generous* to us. We took *whatever we wanted* from them, we cut chunks out of the wall, *we shifted the stones about*, and still the aspect of the ruins remained unchanged. After enduring the flames, it had changed within a few hours from a house to a pile of ruins, and now it was indifferent and tolerated anything [emphasis added]" (187). This is Hoxha's house, and the posted proclamation is about him: he is a wanted man. The attentive reader will notice that "ruins" occurs four times in the four sentences cited above. The gong-like beat of the word signals a message. What can that be? The same word appears in the imprecation of the beautiful bride, "I hope that only ruins and ashes are left." Hoxha's house is ruins and ashes and the children are further ruining it. What the beautiful bride wishes to happen to the whole city has already happened to one of its houses, Hoxha's house. The relation between this house and the totality of the houses forming the city is synecdochal: the part recalls the whole and vice versa. Both episodes are about children, and burning is a common

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theme. Missing from the Hoxha episode is only the wish — a case of elliptic distant rhyme.

Its reverberations extend further. In the novel's third chapter the following passage occurs: "It happened one sunny day in the Alley of Fools. We wouldn't have exchanged this crooked and ugly alley for any boulevard in the world, because no boulevard in the world would have been so *generous* as to allow children to *shift its stones and slates about* and make with them *whatever we wanted* in broad daylight [emphasis added]" (35). The correspondences with the text cited above are striking. Not only the language but the situation as well is pretty much the same. In both texts children are shown removing stones either from the ruins of a house or from an "ugly" alley that resembles a ruin.

The third chapter, "Magic," is a description of a series of strange events shortly after the occupation of the city, an old woman is seen gathering a bride's nail clippings; the milk of another bride runs dry; a man crows at night like a rooster; a barrel of cheese explodes; the city's inventor is spellbound; in a "baby's cradle," "nails and hair of the dead" are found. The citizens attribute these awful events to witchcraft.

One day, while "playing with stones" in the Alley of Fools, children discover "the magic," the cause of the evil. They run with it through the streets, yelling: " 'The magic! the magic!' The mothers shouted to us from the windows, doors, walls. They wrung their hands, threatened, wept. But we ran, refusing to abandon the magic. In that *bundle of disgusting rags*, it seemed to us that we had taken hold of the anxiety of the city [emphasis added]" (36). At the Zamani Square the children stop. They burn the bundle of rags and then urinate on it.

Let us compare this passage with the one found in the interlude concluding chapter 13: "Mother came in looking shocked. In her hand she was holding a small bundle wrapped haphazardly, a *bundle of rags* — it was not clear what it was exactly [emphasis added]. 'Magic. They're at it again. . . ' . . . I opened my eyes wide, waiting from one moment to the next for nails, hair, ashes . . . to fall from the terrible bundle . . . Once open, the bundle itself turned out to be a wrinkled letter. . ." (176).

The letter is a tract of the Communist Party, typed by the communist student who later kills his uncle and the husband of the beautiful bride. The same phrase, "bundle of . . . rags," describes the magic as well as the tract. Moreover, the child narrator expects to fall from the latter "nails, hair and ashes," which correspond to "nails and hair of the dead" of the magic found at the baby's cradle. And the magic is found in the Alley of Fools by children, the same ones who shift about stones in the alley and

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remove stones and chunks of walls from the burned house of Hoxha.

In his memories, *Childhood Years*,[8] Hoxha dedicated two pages to the Alley of Fools: "But this Alley of Fools is now very dear to me; it reminds me of my childhood. I see myself, a little boy wearing black shoes with nails and upturned tips, descending the Alley of Fools . . . to go to school. . . . The alley is crooked and leads to Kako Pino's Street. How many times have I trodden this street, going up and down, from the bakery and the Zemani square . . . to the old lyceum . . . " (56-57).

In May 1969, Hoxha visited Gjirokastër, which by that time had been transformed into a "museum city." He must have visited, among other things, the Alley of Fools, so "very dear" to him, and told the crowds (many a picture in *Childhood Years* features him fraternizing with the people) what he later wrote in his book. Another picture there shows children paving the Alley of Fools with cobblestones, while in still another picture the alley appears fully restored. In *Chronicle in Stone* — which was published in 1971 and must have been written in 1970 — children are portrayed as practically destroying the "ugly" alley in their search for the magic hidden under its cobblestones. And once the magic is found, they burn it and then urinate on it. Later, the narrator's mother finds a tract of the Communist Party, which the child takes for another magic. Is the author suggesting that communism is another form of magic? He does not say what happens to the tract — it was certainly destroyed, considering that the narrator's father, who read the tract, forbade his wife and son to tell anyone about it. The two episodes are in concord, except for one element, urinating. Another elliptic distant rhyme, and more transparent than the former.

A further case of distant rhyme is more convoluted. Old Aunt Xhemo, apparently influenced by adversary propaganda that communism means eating the same dish of beans from the same cauldron, worries about eating in common, "They say that the partisans are going to open public tables [*mensa të përbashkëta*]" (202). She is particularly worried because she suffers from a sort of obsessional neurosis: when visiting friends, she carries a cup of coffee and a spoon with her. Years before, at the news that the Italians had set up a brothel in the city, Aunt Xhemo had expressed the same concern to a group of women scandalized by the news: "None of your business!" she said at last. "I was asking myself what was happening. I thought they were going to open this . . . this . . . what is it called? . . . public tables (*mensa e përbashkët*)" (75-76).

8. Enver Hoxha, "Kujtime per Gjirokastrën" in *Vite të vegjëlisë*. (Tirana: Nëntori, 1983). The memoir book is illustrated with many photographs.

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"*Mensa e përbashkët*," the author's literal translation of it "*mensa comune*," is unidiomatic in Albanian, while the Italian phrase as such does not exist at all. Kadare has invented the phrase because "*mensa*" has fascist connotations (the *mensa del dopolavoro* was a typical fascist institution) while "*comune*" is the root word of "communism." His idea is to associate fascism with communism by using the same phrase in the same situation (in both cases Aunt Xhemo is visiting the narrator's family) but in different times and under different regimes. Through this parallelism, Kadare conveys Aunt Xhemo's opinion that communism is no better than fascism, since both destroy personal freedom — Aunt Xhemo will lose her privilege of sipping coffee from her own cup. Since the rainbow joining her house with the brothel marks her as corrupt, her cleanliness obsession evidently conceals a moral rot (Kadare has read *Macbeth* attentively). Even so, the fact that he has Aunt Xhemo repeat the same phrase in passages more than one hundred pages apart suggests he is intent on conveying another message, one not intended for the normal reader. The first occurrence of the phrase if taken in isolation makes no sense (Italians had no common tables), and the Albanian word "*i perbashkët*" does not, like in "*comune*," connote communism. It does so only with reference to the second part of the parallelism (Russians do have common tables). Here the trick consists of associating a naturalized fascist word with the etymon of "communism." But such an association can be made only by the author, not by an illiterate woman who does not know exactly what "mensa" means, and has no idea of etymology whatsoever. The association of fascism with communism is an authorial idea inappropriately put into the mouth of a character. Here inappropriateness betrays obdurateness, as when one is compelled to express a fixed idea inopportunely in order to spite someone else.

Now we understand why *Chronicle in Stone* was a "difficult chronicle," the main difficulty consisting in concealing a subversive message in the folds and creases of an ambiguous and at times cryptic language which even a critical reader would find difficult to grasp. Choosing an infant boy to deliver that message was a clever defensive stratagem, for a boy could not be held responsible for what he says. But if this stratagem covered the author from eventual recrimination, it made it harder for him to solve the aesthetic problem involved in transforming a sequence of memories into a novel carrying a political message. For, as already noted, a boy is interested in games and fairy tales, not in politics. The author's tactic was to keep the child narrator aloof from politics as long as

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possible. In about the first two-thirds of the novel politics spots the narrative only sporadically. There the material corresponds, with some additions and modifications, to that in the first two versions, where politics is either absent (in A) or treated cavalierly (in B), and where the narrative centers on the adventures of the child narrator. But his personality gradually wanes in the rest of the novel, especially its last chapters. Because in these chapters the perspective shifts from family life to city politics, Kadare was bound to resort, at the risk of incoherence, to adult participation. He introduced the authorial persona indirectly, as a sort of prompter to the child narrator, while also multiplying the narrators. These now include the city chronicler, whose fragmentary pages figure in the novel in the form of a rubric; an old woman who occasionally substitutes for the chronicler; and also "unknown people" who speak in broken monologues or choral dialogues. And when these devices prove to be insufficient, the author steps directly into the narrative, taking care to present what he says either in an impersonal way or by having his characters voice ideas and feelings, expressly political, that only an adult can have.

The first political event, the assassination attempt by a worker (not specified in the text) against the Italian king, occurs in chapter 2. In the next, fascism is spelled out in a discussion between the two communist students (again, not specified as such). Stalin is briefly mentioned in chapter 6, described by Xhexho as a "Moslem" "with a red beard" (69). Chapters 7 to 10 tell of the Greco-Italian war and the city bombings as viewed by the child narrator. Chapter 13 includes an episode that portrays the arrest of anti-fascists by Italians. In chapter 13, the narrator's younger aunt sings a communist song; tracts are distributed, the first partisans appear. Then events move precipitously. The Communist Party is named, a Ballist (not specified) harangues the crowd. More tracts, more arrests and internments. Children shout slogans, Lady Majnur maligns partisan girls, Enver Hoxha is wanted. A communist student and two girls are hanged. The friend of the hanged student murders his Ballist uncle. Italians shoot prisoners, communists retaliate by shooting Italians. Fascism collapses in Italy, partisans and Ballists enter the city. The execution of the three Karllashi by partisans. Nazi troops besiege and conquer the city. Exodus of the citizens. When the fugitives return home, they find Kako Pino hanged by Germans and the pederast-spy shot by the communist student.

Kadare has thus written on the major political events of Albania's fascist period as experienced by the population of his native town: its occupation by the Italian army, the Greco-Italian war, the rise of the

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antifascist movement, the fascist collapse and the disintegration of the Italian army, and the incipient civil war between Albanian communists and nationalists. Kadare has written on all these events, stopping short at the result of this chain of events: the victory of communism in Albania.

Just as the morality of a person is defined not only by what that person does but also by what he or she does not do, the ideology of a writer is defined not only by what the author writes but also by what the author omits to write. Kadare could easily have added another chapter describing the victory of communism, all the more so in that the novel's last chapter is sketchy (the shortest in it) and artistically inferior to the rest. But had he written that chapter, he would have had to elaborate on the civil war that intensified during the German occupation. We saw how he portrayed the beginning of that war, the atrocities committed by the communists being no less disgusting than those perpetrated by fascists. The message that the "white" and "red" terror episodes convey is condemnation of terrorism *tout court*, the two kinds of terror being the two faces of the same coin. Another chapter would have entailed the portrayal of more such horrors. The child narrator would logically have been led (remember his "Down with traitors!") to love bloodshed and perhaps to contribute to it by, say, denouncing a relative, or even his own father. In short, the author would have ended up by glorifying Albanian Stalinism.

Did he want to do that? While a student in the Soviet Union, Kadare had ample opportunity to be acquainted with the crimes of Stalin. The situation he found in his country after Albania's split with the Soviet Union (1961) was typically Stalinist. The country's swing to the alliance with China did not affect the Stalinist substance of the regime. The Party purges (which hit the Gjirokastër old guard, including one of Kadare's relatives, particularly hard) must have shaken his faith, if any, in the Party.[9] He lived through that parody of the Chinese Cultural Revolution which was the Albanian Cultural Revolution and which he scoffed at in *The Wedding*. At the time Kadare wrote *Chronicle in Stone*, he must have come to realize that Stalinism in Albania was to remain so long as the "inventor" of class war lived.

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9. Bedri Spahiu, a Politburo member and Party Secretary for the Gjirokastër Section during the country's foreign occupation, was expelled from the Party in 1955. Liri Gega, also a Politburo member and the number 1 Party woman during the same period, was executed in 1961, being pregnant at the time. Two Ministers of Education, Shemshi Totozani and Qibrie Ciu, wers dismissed, as was an army general, Tahir Kadare.

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Chronicle in Stone appeared in 1971. In 1961, i.e., immediately after the Soviet-Albanian rift and, most likely, as a tribute to that achievement, the Albanian Council of Ministers proclaimed Gjirokastër a "museum city" by special decree. Yet Kadare denigrates the city the Albanian Council of Ministers have honored above all others. Kadare damns the city which is the native town of Enver Hoxha.

The nimbus of infamy the author builds around his native city recalls the infernal cycles where Dante damns his Florentines. The city that has "broken all laws of architecture and planning" has also broken all laws of decency and normal life. Here a father kills his daughter. Here a nephew kills his uncle while a guest in his home, something unprecedented in the history of the nation where hospitality is considered sacred. Here a thief who calls himself a *man* prefers to spend his life in prison rather than at home. Here a girl, become lesbian as a consequence of her confinement at home, escapes from her misery by joining a brothel. Here the most beautiful woman in the city has a homosexual husband who ends up a spy. Here a bisexual is practically lynched by the population when he reverts to normal sex. Here . . . Consider the list as the major premise of a syllogism, the minor of which is, "Hoxha was born and raised in this city." The child narrator (remember his enthymeme, "If their [Italians'] planes are bad, how can the people be good?") will inevitably conclude: Hoxha is one of them.

The text suggests that conclusion. The conclusion explains in turn why sex is perverted in the novel and often associated with murder, thus paving the way for the outburst of terrorism at the end. Sexual perversion and terrorism are the author's outlets for venting on the city his desperate anger at the existing political situation when he wrote the novel. In other words, the author blames the entire city for the crimes of one of its sons. *Chronicle in Stone* is the sublimation of a transference.

Such being the case, it is no longer difficult to understand why Kadare chose the grotesque as his main stylistic device. Just as the ideology of the novel is under the sign of terror, the narrative is under the sign of the grotesque. In the novel under consideration, this figure develops from a technique that is characteristic of Russian formalism, Shklovsky's *ostranenje*, "making things look strange," a technique for which Kadare has a natural propensity, due in part to his alogical mind. The novel begins with the ring of that adjective ("This was a strange city . . . "), which is repeated and varied ("bizarre," "dream"-like) in a series of images, one more fanciful than the other, and culminating in the grotesque: "you could stretch out your arm a little bit and

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put your hat on top of a minaret." Other examples are: the bearded girl, the jailbird who prefers prison to home, the wooden plane of the mad inventor, the city officials wearing stiff collars and "Borsalino" hats at the slaughterhouse (Hoxha usually wore a Borsalino hat), the passing of the city from Italians to Greeks and vice versa ten times in a month, the schoolteacher who teaches anatomy to his pupils by disemboweling cats in front of them, the Ballist waving the arm of a fallen English pilot as a trophy of war, the nephew shooting his Ballist uncle in the mouth at the dinner table, Kako Pino hanged by Germans because her embellishing tool-kit contained implements suitable for sabotage, the shining boots of the capitalist's son emerging from the heap of corpses, the clergyman on the minaret who wants to gouge out his eyes with a nail at the sight of partisans entering the city, and the children exulting at the burning of their own homes — to name only the more significant examples.

The grotesque, a figure variously defined, is one that combines incongruous elements in an abnormal, untypical, and often absurd manner. Gross exaggerations and distortions of these incongruous elements distinguish the grotesque from caricature, which exaggerates and distorts one feature in an individual. The grotesque in Kadare's narrative expresses his disgust for the political situation in his country. What to think of a Communist Party which, freed from the diapers in which the Yugoslavs had swathed it, now claims the world monopoly of Marxism-Leninism in its purist purity? A country of little more than two million which dares defy the "fatherland" of socialism on ideological divergences of principle? A socialist state which takes pride in being the maverick of the socialist camp? A police state which considers itself the most advanced in the world for having declared itself the first atheistic state in history? The grotesque informs all these events. Kadare has borrowed the pattern from the weird reality which is socialist Albania. Paradoxical as this may sound, he is the major realist writer of Albanian socialist realism. Through his sophisticated grotesques, his parodies and puns,[10] the

10. Kadare's sophisticated techniques and stylistic subterfuges often go unnoticed in translations. The French translation, *Chronique de la ville de pierre* (Paris: Hachette, 1973), while otherwise good, often misses significant touches. Thus, in chapter 15 alone, "*ruines*," intentionally repeated four times in the original, appears in the translation only twice; a clause describing the Karllashi girl, "Bored, she sits at the window," has been translated "*Elle reste à la fenêtre à rêver*" (259), thus mistaking boredom for rêverie; and the translation of the passage where both the Ballist Commander and the Karllashi son raise the skirts of the hanged girl has only the Commander perform that act: "*soulevait*" (264) — the original has "*ngrinin*" (*soulevaient*).

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reader understands the Albanian reality much better than through the Kako Pino-like embellished portraits and tableaus that decorate the museum of socialist Albania.

The Freudian Slip and the Compromise

The Great Winter,[11] considered by many to be Kadare's masterpiece, was begun shortly after the publication of *Chronicle in Stone*. A first version appeared in 1973 under the title *The Winter of the Great Solitude*. The author had to rewrite the novel because of many objections to its faulty ideology. Hoxha is a main character in the work. Its second part (the text is divided in five parts) is devoted to him, i.e., to his participation in the November 1960 Moscow Conference of 81 Communist and Workers' Parties, where Hoxha delivered his speech against Soviet revisionism, as a consequence of which Albania ceased to be part of the Soviet bloc.

In portraying Hoxha's role in that memorable conference, Kadare has followed to some extent the official version of the talks that Hoxha and the other members of the Albanian delegation had with Khrushchev and other Soviet leaders. More often than not he takes liberties through digressions that have little or nothing to do with the text of the official version. One of these is crucial for our understanding his subversive techniques.

The heated debate between Hoxha and Khrushchev has been going on for some time when the Albanian interpreter translates "in Old Russian" a Hoxha repartee, "Oh, you are nerveless!" (meaning cool or unperturbed). Khrushchev mistakes this ironical repartee for a statement meaning "You are without stamina." While the two parties debate the Old Russian expression (which the author does not explain) the translator is shown worrying about the consequences of his blunder: "Could they think of him as the cause of the final break? . . . Everything seemed absurd." What follows confirms his fears. Khrushchev addresses Hoxha rudely. Hoxha bangs the table, shouting that he is not a "vassal." There are a few more biting exchanges between Khrushchev and two members of the Albanian delegation (here Kadare reports almost verbatim from the official version) and then the Albanian leaders leave in protest. The split between the two nations has occurred "because" of the faulty translation of a word or phrase in Old Russian — in other words, because of a Freudian slip.

We are back to the grotesque. The word is spelled out immediately

11. Ismail Kadare, *Dimri i madh*, 3rd edn. (Tirana: Naim Frashëri, 1981).

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after, with reference to the statue of Gorky holding a cane (the cane is significant, Gorky collaborated with Stalin in concocting the doctrine of socialist realism). Then a member of the delegation reports that "*he* [emphasis added] has said that everything must be Beethoven-like and nothing in the speech of our Party should sound like a nocturnal serenade" (180). Hoxha's speech at the Moscow Conference of 81 Communist and Workers' Parties: the Eroica of World Revolution. Another grotesque.

The reader would like to know what happened to the author of the *lapsus linguae* which occasioned the event that catapulted Albanian socialism from the "steppes" of Russia to the deserts of China. The shocking effect of what he has witnessed nonplusses him. He even neglects his fiancée, the daughter of a vice-minister. She breaks the relation by having sexual intercourse with — of all persons — a young man belonging to a reactionary family. The betrothal becomes a Party issue, the Party candidate gets a dressing-down. His moodiness passes into depression, then alienation, and finally apathy. Towards the end of chapter 19, the hero is shown translating the speech by Hoxha in which the split was made public: "There was applause in the hall. Besnik began translating mechanically broken words and phrases. He suddenly remembered that he risked expulsion from the Party. . . . For what? For nonsense. . . . This is absurd, he thought. Yet the more this seemed to be absurd, the more it seemed to be irreparable. Something in the foundations had cracked that he was unable to repair. . . . Again applause in the hall. . . . Besnik began to translate automatically whole words and phrases" (444). The hero reacts to the Leader's words like an "automaton," the world in which he lives has become "absurd." At some point in his downfall, he makes a halfhearted attempt to establish a relationship with a girl. She asks him whether he is still a Party member, adding: "They say that in the most crucial part of the talks you made a mistake in translation, after which everything broke down" (549). The relationship fizzles out. The novel ends with the portrayal of people running to shelters under the howling of an alarm siren which signals a false alarm for a Soviet air-raid.

The reader, however, should not draw the conclusion that in *The Great Winter* Kadare is continuing his subversive game just as in his previous novels. In *The Great Winter*, many episodes and even whole chapters support the Party apparatus and its operator, though not the police state *per se*. Kadare's concept of the state remains that of an oppressive and repressive institution. Once he even has Hoxha rebuke Khrushchev in powerful language, "It's you, not we, who have buried the spirit of

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revolution under the ledger of the state" (173). Here Hoxha is portrayed as a revolutionary leader, holding high the banner of world revolution.

The Slippery Road

The Great Winter may be Kadare's last major work. What has come out of him since the publication of that novel evidences a steady devolution.[12] Except for *The General*, a chronicler or writer has figured importantly in every one of Kadare's novels that we have considered so far.[13] But the writer in *Broken April* (1979?)[14] is a newly married man who, accompanied by his wife, tours North Albania in order to become personally acquainted with the Canon, i.e., the customary code. In the thirties,[15] the medieval customary code, rescinded by the civil and penal codes, was living its last days. Vendetta cases still occurred, but not as Kadare describes them in this novel. Here the vendetta victim is the forty-fourth in one family in a period of seventy years, i.e. about two generations. The foreign reader will infer that North Albanian mountaineers proliferate like rats. No less bizarre is the case of a village entirely destroyed — apparently by another village, and for the reason that the first village had indefinitely postponed the taking of revenge. The foreign reader will conclude that North Albanians *are* rats, which, when secluded and great in numbers, simply devour each other. The Plateau visited by the writer has sixty-four towers in which about "a thousand people are confined" for fear of being killed (172), and in a village of two hundred families only twenty are not involved in vendetta feuds (194). Why is Kadare writing such rubbish? During the Albanian Cultural Revolution, the Party vowed to extirpate such primitive customs as the vendetta by launching a campaign meant to subdue altogether the recalcitrant North Albanian mountaineers living in the Canon zone. In *The Wedding* Kadare scoffs at this hypocritical policy

12. A lonely exception is *The Twilight of the Steppe Gods*,[12] an autobiographical novel centering on the Pasternak episode. Kadare was a student at the Gorky Institute when the Soviet writer was awarded the Nobel Prize. He witnessed the ensuing scandal, which he portrays with utter disgust. See *Le crepuscule des dieux de la steppe.* Translator unnamed (Paris: Fayard, 1982), p. 113. I have not seen the original.

13. In *The Great Winter*, the writer Bermema is a mouthpiece for the author. Chapter 17 deals almost exclusively with ideological problems facing writers after Albania's break with the Soviet Union.

14. Ismail Kadare, *Prilli i thyer* (Prishtinë: Rilindja, 1980). French edition, Ismail Kadaré, *Avril brisé*, trans. Jusuf Vrioni (Paris: Fayard, 1982).

15. After 1933, the date of publication of the Canon (Shtjefën Gjeçov, *Kanuni i Lekë Dukagjinit*, Shkodër, 1933); the Canon is referred to as published in *Prilli i thyer*, *op. cit.*, p. 65.

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in a series of grotesque pictures. His portrayal of the vendetta in *Broken April* is also grotesque, but with a difference: the temporal frame has changed. Here the events happen in pre-socialist Albania, when the country was ruled by a king. Disparaging everything King Zog did (he also did some good things; his courts and *gendarmerie* helped force the penal code upon the mountaineers, thus bringing down the vendetta rate) has been a consistent policy of the Communist regime. Kadare seconds that policy by drawing a picture of North Albania as a zone where the Canon was flourishing in the thirties just as in the old days.

The subject of *The Three-Arch Bridge* (1980?) is the immuring of a mason in a bridge.[16] Legends in Albania as well as in other Balkan countries tell of human beings immured in the foundations of fortresses (the Rozafat in Shkodër) and bridges (the Arta Bridge). According to the Rozafat legend, the masons building the fortress could not finish their work because the walls they raised during the day were mysteriously demolished at night. An old passer-by told them that for the walls to stand, a human victim had to be laid in the wall's foundations. In Kadare's novel, one of the masons building the bridge is a victim of business competition.

In 1377, a rich "banker" (135) who had made a fortune by extracting and selling Albanian bitumen obtains from the local lord the right to build a bridge on a river which had until then been crossed on rafts and pontoons belonging to a rich man who had bought "all the ferryboats of the rivers, bays, and lakes" (17). The agent of the ferryboat tycoon bribes one of the masons, who spoils by night the work done during the day. The agent of the bitumen tycoon has the mason killed and walled up in the first arch. Thanks to this terroristic act, the bridge is built, and a toll for passage over it is levied. Kadare parodies Marxism by describing the clash of interests between two medieval magnates as a competitive struggle between present-day monopoly capitalists.

The novel also has an allegorical aspect, pivoting on the author's idea that Albania's destiny is marked by its geographical position "at the crossroads of history between the West and the East" (129). The country has always been a passageway, a bridge — a "three-arch bridge," each arch standing for a long period of the country's foreign occupation: Roman, Byzantine, and Turkish. The immured mason is emblematic for the victimized Albanian people. The medieval clash between Byzantines and Turks adumbrates the antagonism between the Soviet Union and China over Albania, contested by both of them.

16. Ismail Kadare, *Ura me tri harqe* (Prishtinë: Rilindja, 1980). French edition, Ismail Kadaré, *Le Pont aux trois arches*. Trans. Jusuf Vrioni, (Paris: Fayard, 1981).

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The imbrication of the modern allegory upon the medieval one has a counterpart in the superposition of the two different solutions given to the immuring episode. We already know one of them: the mason was killed by the banker's men. The other version is that he let himself be killed under the promise of an indemnity to be paid to his family. The mason sells his life for an indemnity just as a proletarian sells his labor for a salary — a *reductio ad absurdum* of the Marxist theory of wages.

We may turn to Kadare's story "A Dossier for Homer."[17] In it two Irish students of Homer living in New York sometime in the thirties learn Albanian after hearing on the radio a well-known professor define Albania as "the last laboratory" "still producing a poetic material similar to that of Homer" (8: 134). They go to Albania and rent a room in an inn where rhapsodes stay overnight. After recording many epic songs and comparing their variants, they reach the conclusion that the songs are fragments of an old epic poem which was destroyed by the Turkish invasion of the country. One day a Serbian priest visits the Irish students. Their opinion that the rhapsodies are originally Albanian and that the Slavs took them from the Albanians upsets the priest. He travels to the cave of an Albanian hermit, apparently of the same (Catholic) religion, and convinces him that the Irishmen are killing the old songs by "capturing" their voices inside their cursed tape recorder (9: 138). The hermit and some of his acolytes assail the inn and destroy the apparatus, together with all the recordings. An Albanian newspaper comments: "This is not the first time that the chauvinist grand Serbs hit the scientists who study the antiquity of the Albanian ethos and culture. A savage barbarian jealousy, the result, among other things, of their inferiority complex, possesses them, especially when they hear that the Albanians are the descendants of the Illyrians" (9: 168).

Kadare's slavophobia, which permeates the *Twilight of the Steppe Gods* as well, is hardly different from that pervading *The Mountain Lute*, an epos by the Franciscan Father Gjergj Fishta, a major Gheg (North) Albanian poet, banned from the history of Albanian literature allegedly for his chauvinism. Undeterred, Kadare quotes Fishta in support of his own slavophobia: "'We were born in hatred of each other," (8: 163). How, one wonders, does he dare write things such as these, which are at loggerheads with official ideology? The answer is that he has Hoxha's imprimatur.

During the 1982 Plenum of the League of Albanian Writers and Artists

17. Ismail Kadare, "Një dosje për Homerin," *Nëntori* (1982) 8: 111-64 and (1982) 9: 98-170.

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(LAWA), its President, Deitëro Agolli criticized Kadare for his "subjectivist treatment of historical material and legends," even to the point of an "excessive modernization and actualization" which results in "mannerism."[18] In his intervention at that Plenum, Kadare begins by accepting criticism regarding "disproportion between actual and historical themes" in his works.[19] But once he has paid lip service to the time-honored communist practice of "autocritique," he counterattacks, taking the lead from Hoxha's saying that "the times demand the enlargement of the thematic range . . . in order that the great tableau of socialist realism be completed by writers and artists" (101). "Not schematism, but real life, not poverty, but richness, not narrowness, but breadth." And since he cannot take himself as an example of such a way of writing, he takes, yes, *him*: "The ensemble of memoirs of Comrade Enver Hoxha is an example of creating complex tableaus involving national and international problems and great themes in their whole gamut: dramatic, lyric, meditative, sarcastic. This [is a] major ensemble, possessed of an extraordinary breathing space and horizon, and the action of which covers unparalleled ground . . . " (106). He goes on for a whole page, raising to the seven skies "the memoirs of Comrade Enver [as] a very important new factor for the further development of our literature."

In the last few years, Hoxha has devoted the greater part of his time to writing books, most of which are memoirs.[20] This has prompted his worshippers to declare him a major writer. References to Hoxha as such have appeared in newspapers and periodicals. It is quite possible that the superlatives weaving Kadare's panagyric come from these sources (he uses this tactic in *The Wedding*). But, again, how many will understand his Mephistophelic serenade? The normal reader will take what he writes at face value. Taking the lead from the great Albanian writer, the literary hacks will sanction Hoxha as a major writer in his own right. In fact, this has already occurred. The May 1984 issue of *Nëntori*, the organ of LAWA, has an editorial about the 3rd LAWA Congress, in which Hoxha

18. Dritëro Agolli, "Report to the LAWA Plenum (18-19 March, 1982)," *Nëntori* (1982) 4: 50.

19. *Nëntori* (1982) 5: 106-07.

20. Between 1978 and 1984, the following books by Hoxha have been published by the Institute of Marxist-Leninist Studies: *Yugoslav Self-Administration — a Capitalist Theory and Practice* (1978), *Imperialism and Revolution* (1978), *With Stalin — Memoirs* (1979), *Reflexions on China*, 2 vols. (1979). *Eurocommunism is Anti-Communism* (1980?), *The Khrushchevites — Memoirs* (1980), *Kur lindi Partia* (When the Party Was Born) — *Memoirs* (1981), *The Anglo-American Threat — Memoirs* (1982), *The Titoites — Historical Notes* (1982), *Vite të vegjëlisë* (Childhood Years) — *Memoirs* (8 Nëntori, 1983), *Mes njerëzve të thjeshtë* (Among Simple People) — *Memoirs* (8 Nëntori, 1984).

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participated. It reads, in part: "The report and the discussions stressed the synthetic and analytic values of Enver Hoxha's works, their political and ideological thought as well as the literary and artistic coloring of many of them, always a source of orientation and inspiration, and an example of a realistic treatment of events and types, contingent on their clear and unforgettable portrayals, their vivid language, elegant and scientific and also popular, with a rich phraseology" (12). The passage reiterates, *sans* superlatives, what Kadare had said about Hoxha as a writer in his intervention at the 1982 LAWA Plenum.

The scenario of Kadare's latest novel, *The Niche of Shame* (1983?),[21] is laid in both Albania and Turkey in the first quarter of the 19th century. This period saw the rise of Ali Pasha Tepelena, a South Albanian who created a virtually independent state comprising South Albania and most of North Greece within the frame of the Ottoman Empire. In 1822, "The Lion of Yoannina" (that city was his capital) was finally done away with. His death is the focus of Kadare's novel. The author has Ali Pasha's head placed in "the niche of shame," situated in Istanbul's main square to help the populace realize what sort of fate was destined for rebellious pashas and other high dignitaries unfaithful to the Sultan.

The Niche of Shame is another allegorical novel. The Imperial Purveyor of Heads, whose duty is to supply the niche with fresh heads, is shown crossing zones that the Ottoman "superstate" defines as "denationalized," the denationalization being achieved by clever methods called "*cra-cra*." They consist first in the physical repression of rebellion, followed by suppression of the very idea of rebellion through "amputation" of culture and customs, "mutilation" of the language, and "weakening of national memory" (178). The added detail that those persistent in evoking national memories are confined to "psychiatric hospitals" (186) leaves little doubt that the Ottoman superstate is an allegory for the Soviet Union.

Ali Pasha's attempt to transform a *pashalik* with "limited autonomy" into "the state of Albania" (126) ends in failure because Albanians do not follow the despot as they did Scanderbeg. According to the author, the Albanians followed Scanderbeg because he had a great idea, completely new for his time: "the victorious rebellion of a state against a superstate" (138). Ali Pasha is "jealous" of Scanderbeg. "Yet his jealousy was still more acute for the future statesman who would achieve" what seems inevitable to Ali Pasha, "the resurrection of Albania" (129).

21. Ismail Kadare, *Pashallëqe e mëdha* (Prishtinë: Rilindja, 1980). French edition: Ismail Kadaré, *La Niche de la honte*. Trans. Jusuf Vrioni, (Paris: Fayard, 1984).

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Albanian historiography portrays Ali Pasha as a forerunner of Albanian independence. Hoxha has been exalted — not only by Albanians — as the one who heroically withstood the pressure of first the US and then the USSR. Indeed, who other than he deserves to engrave on his coat of arms the motto of the State against the Superstate? So Enver Hoxha *is* the new Scanderbeg. The allegory crops up with particular clarity in the last two chapters of the novel. The population of the "*cra-cra*," province crossed by the Purveyor have become, after two centuries of "*cra-cra*," completely moronized. They smoke hashish, dress uniformly, know nothing of the past, and have lost their language, in place of which they use a poor official jargon characterized by a thoroughgoing antinomous system: life/unlife, time/nontime, etc. These people are silent and respectful. Their major entertainment is the show of heads provided by the Purveyor. But the Purveyor never stops in the "troubled lands," for there the people are wild and he is afraid of them. These people, great alcohol drinkers, kill each other in brawls instigated by the state.

Kadare is once more availing himself of his favorite weapon, the grotesque, to describe Stalin's policy of denationalization in the Soviet Union. But has not something similar, *mutatis mutandis*, already happened in Stalinist Albania? The "troubled lands" of North Albania were militarily conquered and repressed. The Tosk (South) dialect of the conquerors became the official language from the outset. It took, however, more than two decades to promulgate the basically Tosk concoction known as the "unified literary language" as the national language. Yet, while showing some patience with the language policy regarding Ghegs, the regime was quick to "amputate" vital parts of Gheg culture. It banned from the schools most of their writers, jailed and killed Christian and Moslem priests, converted churches and mosques into storage houses and gymnasiums. The Party was even fiercer with regard to customs: it declared war on all kinds of religious practices, outlawed the highland customary code as a whole, undermined some traditional virtues and in particular the *besë* (word of honor) by substituting for it loyalty to the Party, displaced families from their native sites and interfered with family life and personal ways of life when these were incompatible with communist ethics. As to the weakening of national memory, history was rewritten to fit official ideology, grossly distorting and even ignoring historical facts. This method of falsifying history was applied not only to the pre-socialist period

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of Albanian history,[22] but also to the socialist period itself. Following a well-known pattern used in the exegesis of the Sacred Scriptures, bits and pieces of past history were interpreted as prefiguring the advent of Stalinist Albania, with Scandereg a forerunner of Hoxha, and Albanian socialism the fulfillment of the Albanian Risorgimento.

The Niche of Shame is thus another muddled allegorical novel in which history is so manipulated as to subvert a system while upholding its very pillar. In the last few years Kadare has often travelled abroad, functioning as a minister without portfolio for cultural exchanges with Western countries. He has reached a stature unique in his country, and his international reputation is perhaps second only to that of his master. A movie of his *General of the Dead Army* with Marcello Mastroianni and Michel Piccoli as actors has been shot. Rumors are that his French admirers intend to propose him for the Nobel Prize in literature. The *do ut des* gentlemen's agreement between Kadare and Hoxha has paid well. It marks another memorable stage in the history of the unholy alliance between dictatorial power and literary talent. For Kadare is, no doubt, a very talented writer, the only Albanian to stand comparison with contemporary representatives of the narrative genre. One only wishes him a decent attitude. I say decent, artists being not necessarily expected to be examples of moral heroism. In order to be able to express themselves in dictatorial regimes, they have to survive. Yet there are manners of survival and degrees of compromise, without playing a double game or selling out.

22. See Arshi Pipa, *Albanian Literature: Social Perspectives*. Albanische Forschungen, vol. 19, (unich: Trofenik, 1978), pp. 171-72.

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Law Turning Outward

Martha Minow

Questions addressed by law often resemble those addressed in other disciplines. The methodology of law, however, is different. Law is more likely to rely on precedent, to use syllogistic logic, and to deploy burdens of proof and evidentiary devices, to be preoccupied with rules and policy analysis. These methods have been fruitful in philosophy, history, and other discipline. Yet, the specialization of legal study has cut it off from easy communication with other disciplines.

In this light, it is especially striking to find an explosion of legal scholarship using nonlegal methodologies and insights. Here, indeed, three seemingly different developments converge. The Law and Economics movement adopts economic concepts to address legal problems. The Critical Legal Studies movement draws on other intellectual disciplines and methods, such as structuralism, Marxism, and Critical Theory. And another group of scholars has turned to literary criticism for both techniques of textual analysis and theories about the ways texts constitute meaning. The following account will briefly describe these trends, suggest what they share and how they may differ, and consider why these trends are developing now.

More is at issue in this discussion, however, than a simple catalogue of current trends in legal theory. Each of these movements expresses deep disillusionment with the project of autonomous legal studies, entitled to a special place not only in the academy but also in the world. Given the interdisciplinary trends, legal analysis no longer appears to have a distinctive method removed from politics, social science, and humanities. Instead, each new mode of legal studies must struggle alongside other methods of argument — and the instruments of state

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power lie open to challenge. Perhaps seeking to serve as heir to an earlier, autonomous legal theory, each of the new theories seems to claim a privileged hold on truth or correct method, and shows little awareness of or use for competing theories. Yet, the very presence of the competing theories undermines the possibility of a legal theory free from contention. Moreover, the claims to exclusivity appear to lead each new theory to forms of inaccessibility and barriers against communicating with one another.

Theoretical Trends

Law and Economics

Many areas of legal activity, such as antitrust, have been obvious subjects of analysis for economists because the rules in these fields contain explicitly economic criteria. In 1972, however, a new and wider focus on economics became apparent within the community of legal scholars with the creation of a journal devoted to "the application of scientific methods to the study of the legal system."[1] Gathered in this journal, and also increasingly published in other journals, are articles applying microeconomic theory, social choice theory, cost-benefit analysis, econometrics, and other related economic tools to legal problems.[2] Standard texts for use by lawyers and law students on the economic analysis of law have been published. Legal problems obviously presenting monetary or distribution questions receive this treatment; allocation of damages in tort cases, economic analysis of tax policies, and the like. But other problems also have become subject to varied kinds of economic analysis, including problems in criminal law and administration, family law, privacy, and free

1. Richard Posner, "An Afterward," *Journal of Legal Studies*, vol. 1 (1972), p. 437. See also Mitchell Polinsky, *An Introduction to Law and Economics*, (Boston: Little Brown and Co., 1983); Richard Posner ed., *Economic Analysis of Law* (Boston: Little Brown and Co., 1986).

2. The articles collected in "Symposium: The Implications of Social Choice Theory for Legal Decisionmaking," *Hofstra Law Review*, vol. 9, (1981), p. 1373, in varied ways apply Arrow's Theorem and other analytic techniques demonstrating the complexity of social decision-making, and impossibility of satisfying multiple preferences and values. This particular avenue of scholarship will not be discussed further here, although it may well fit some of the analysis offered. For evidence of the debate over both the appropriate place of cost-benefit analysis in legal analysis, and over the meaning of cost-benefit analysis in this context, see Duncan Kennedy, "Cost-Benefit Analysis of Entitlement Problems: A Critique," *Stanford Law Review*, vol. 33, (1981), p. 387; and Richard Markovitz, "Duncan's Do Nots: Cost-Benefit Analysis and the Determination of Legal Entitlements," *Stanford Law Review*, vol. 36 (1984), p. 1169; and Cass Sunstein, "Cost-Benefit Analysis and the Separation of Powers," *Arizona Law Review*, vol. 23 (1981), p. 1267.

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speech.[3] Here, economic analysis has been used in two ways. Sometimes it provides economic criteria for reaching decisions, as when administration costs are calculated and used to design systems of criminal justice administration. Sometimes, economic analysis instead has provided a more general model for decision-making, as when a kind of cost-benefit analysis is urged to evaluate not economic but dignitary or symbolic costs or benefits.

Not only has the range of problems subject to economic analysis come to include every area of law; the use of economics has come to be more than policy analysis, and more than an effort to predict the economic impact of particular legal developments. Economic analysis of law also includes efforts to explain law's development by exposing an inner economic logic implicit in legal rules and practices. This analysis claims that, whether or not they are conscious of it, judges fashion legal rules to achieve economic efficiency.[4] The effort to explain legal development as the adumbration of this logic of efficiency often carries the message that shortfalls in the advance toward efficiency should be rectified toward that same end.

Indeed, the law and economics movement has produced both a positive or descriptive branch and a normative or programmatic branch. Some of the movement's participants claim the two branches are mutually independent. Others emphasize that the premises of economic analyses of law make normative presuppositions about the endowments and ground-rules necessary to an assessment of the efficient solution — or about the solution that parties with equal bargaining power would choose if they incurred minimal or no costs in the sheer activity of bargaining with one another.

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3. E.g., Harold Votey, "Detention of Heroin Addicts, Job, Opportunities, and Deterrence," *Journal of Legal Studies*, vol. 8 (1979), p. 585. Gary Becker, *The Economic Approach to Human Behavior*, (Chicago: University of Chicago Press, 1976), p. 171; George Priest, "The Common Law Process and the Selection of Efficient Rules," *Journal of Legal Studies*, vol. 6 (1977), p. 65; "The Law and Economics of Privacy," *Journal of Legal Studies*, vol. 9 (1980), p. 621; Ronald Coase, "Advertising and Free Speech," *Journal of Legal Studies*, vol. 6 (1977), p. 1.

4. Richard Posner, "The Economic Approach to Law," *Texas Law Review*, vol. 53 (1975), pp. 757, 763-64. For a criticism of the description claims of law and economics, see Frank I. Michelman, "Norms and Normativity in the Economic Theory of Law," *Minnesota Law Review*, vol. 62 (1978), pp. 1015, 1031. Scholars debate the meaning of efficiency as well. See generally Ronald Dworkin, "Is Wealth a Value?" *Journal of Legal Studies*, vol. 9 (1980), p. 191; Anthony Kronman, "Wealth Maximization as a Normative Principle," *Journal of Legal Studies*, vol. 9 (1980), p. 227; Richard Posner, "The Value of Wealth: A Comment on Dworkin and Kronman," *Journal of Legal Studies*, vol. 9 (1980), p. 243 (debating use of wealth maximization as criterion for legal policy decisions).

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Implicitly or explicitly, supporters of law and economics advocate for legal policy analysis the use of economic questions, including the normative presuppositions that define as central questions how society should arrange institutions and transactions to maximize benefits and minimize costs — or how society could secure a production of value in order to maximize the net benefits of different arrangements. Accordingly, Law and Economics seeks to identify the rules that would promote results it defines as desirable by mimicking what the market or bargained exchanges would yield, or by placing incentives and disincentives so that private actors will achieve such bargains or reveal information needed for legal authorities to mimic them.

This economic analysis of legal development has the virtue of seeming certain in method, goal, and conception of law.[5] It has the defect of seeming simplistic, scientistic, and monothematic to scholars used to reveling in the complexity of law and legal evolution. Such defects engage some scholars in efforts to refine economic analysis of law to take into account more complex assumptions about human behavior and institutions.[6] Other scholars demand a broader context for debate, a context large enough to address competing assumptions about human

5. Much of the work combines description and prescription. See, e.g., Arthur Sykes, "The Economics of Vicarious Liability," *Yale Law Journal,* vol. 93 (1984) p. 1231 (developing economic principles to explain and criticize rules of vicarious liability). In this respect, law and economic analysis bears a similarity to common law reasoning which tries to fit a series of cases to a line in order to demonstrate a deviant result. Perhaps the most creative work in law and economics has been the translation of situations not commonly thought to involve money values or costs into the terms of law and economics analysis. See Gary Becker, *A Treatise on the Family,* (Chicago: University of Chicago Press, 1980) Gary Becker, "Crime and Punishment: An Economic Approach," *Journal of Political Economy*, vol. 76 (1968), p. 169; Steven Shavell, "Criminal Law and the Optimal Use of Nonmonetary Sanctions as a Deterrent," *Columbia Law Review*, vol. 85 (1985), p. 1232.

6. E.g., Ronald Dworkin, "Why Efficiency?" *Hofstra Law Review*, vol. 8 (1980), p. 563. Arthur Leff, "Economic Analysis of Law: Some Realism about Nominalism," *Virginia Law Review*, vol. 60 (1974), p. 451. See also Guido Calebresi and A. Douglas Melamed, "Property Rules, Liability Rules, and Inalienability: One View of the Cathedral," *Harvard Law Review*, vol. 85 (1972), p. 1089 (describing values embedded in legal rules treating some entitlements as inalienable, some as alienable, and some as triggering liability). The normative dimension of existing distributions of resources invades a seemingly technical, long-standing debate about the "offer-asking problem": whether to evaluate benefits and costs in terms of the price an individual would be willing to pay for the item or policy rather than the price they would demand in order to agree to forego or give up the item or policy. See Mark Kelman,"Consumption Theory, Production Theory and Ideology in the Coase Theorem," *Southern California Law Review*, vol. 52 (1979), pp. 669, 678-679. Normative issues also permeate assumptions about the uses of monopoly power. See Louis Kaplow, "Extension of Monopoly Power Through Leverage," *Columbia Law Review*, vol. 85 (1985), p. 515.

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nature, knowledge, and the good life so that the very enterprise of law and economics may be challenged.[7]

The use of economic analysis in legal scholarship thus has itself sparked a lively debate about the premises of legal scholarship, a debate requiring scholars to reach not just into economics but also into philosophy, history, and other fields. At the same time, this movement, with its joint positive and normative programs and its attention to efficiency, remains a major force in contemporary legal scholarship.

Critical Legal Studies

A self-conscious group of legal scholars founded the Conference on Critical Legal Studies in 1977. Their writing and teaching, and their influence on others, has already produced a recognizable if not coherent school of legal thought. The school is recognizable in its commitment to explain both that legal principles and doctrines are open-textured and capable of yielding contradictory results, and that legal decisions express an internal dynamic of legal culture contingent on historical preferences for selected assumptions and values.[8]

To advance this commitment, critical legal scholars often resist or reject efforts to systematize their own work, as they seek to express claims of textual ambiguity and historical contingency in the very methods of their work. Indeed, it is very possible that at this time, the many publicized, codified distillations of Critical Legal Studies represent the death of the movement due to the very kinds of reification and appropriation by dominant culture that its members have often criticized. Nonetheless, I will risk both oversimplification and insensitivity to the self-claimed irrationality of some critical legal scholars[9] by offering a

7. Owen Fiss, "The Death of Law?" *Cornell Law Review*, vol. 72 (1986), p. 1 (law and economics reduces social problems to conflicts over utility preferences, rather than regenerating public values and reexamining social arrangements). See Roberto Unger, "The Critical Legal Studies Movement," *Harvard Law Review*, vol. 96 (1983), p. 563, n. 1; Note, " 'Round and 'Round the Bramble Bush: From Legal Realism to Critical Legal Scholarship," *Harvard Law Review*, vol. 95 (1982), p. 1669.

8. Mark Tushnet, "Critical Legal Studies: An Introduction to Its Origins and Underpinnings," *Journal of Legal Education*, vol. 36 (1986), p. 505. See Duncan Kennedy, "Critical Theory, Structuralism and Contemporary Legal Scholarship," *New England Law Review*, vol. 21 (1986), p. 1669.

9. The irrationalists "are supposed to be relentlessly nihilistic, trashing everything because they know that no 'positive claim can be defended'." Jamie Boyle, "The Politics of Reason: Critical Legal Theory and Local Social Thought," *University of Pennsylvania Law Review*, vol. 133 (1985), p. 291. Boyle describes his own article on critical legal theory as "a fragmentary set of accounts about critical legal theories" and at the same time, expresses a worry about "stereotyping a body of scholarship that tends to wriggle out of any classificatory structure" and "adopting a structure for the Article that is itself implicated in the dichotomies it discusses;" he offers "sincere apologies, pleading lack of ability and a Scottish love of both system and contradiction." *Ibid.*, p. 687, n. See

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conceptual map to the work of this school. I suggest that critical legal scholars in essence engage in four activities, each assisted by non-legal disciplines. Although these activities are not necessarily conducted by the same people and at the same time are not completely distinct, a schematic description may prove useful.

First, the critical scholar seeks to demonstrate the indeterminacy of legal doctrine: any given set of legal principles can be used to yield competing or contradictory results. To assist this demonstration, the critical scholar may adopt a method like the structuralism developed in linguistics, anthropology, psychology, and literary analysis. The scholar unearths a deep structure of categories or tensions at work behind the surface layer of legal talk, and develops a grammar or guide to those underlying tensions and to the techniques by which they are masked or expressed.[10] For example, the deep tension between desires for autonomy and desires for community becomes expressed and masked in doctrines like freedom of contract, which justifies the use of state power to bind people to agreements they entered in the past.[11] The critical scholar may expose traditional, formalist legal reasoning as rationalization after the result rather than analysis producing it; and challenge the very idea of reason by seeking to unearth the politics behind its use.

Second, the critical scholar engages in historical, socioeconomic analysis to identify how particular interest groups, social classes, or

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generally *ibid.*, pp. 715-718 (exploring bases for rejecting liberal reason for relying on shifting categories and distinctions). See also Gary Peller, "The Metaphysics of *American Law*," *California Law Review*, vol. 73 (1985), p. 1152 (examining metaphor and imagery underlying phases of American law).

10. Duncan Kennedy, "The Structure of Blackstone's Commentaries," *Buffalo Law Review*, vol. 8 (1979), p. 205; Fran Olsen, "The Family and the Market: A Study of Ideology and Legal Reform," *Harvard Law Review*, vol. 96 (1983), p. 1497. Critical scholars sometimes demonstrate the masking of contradictions in texts with the kinds of techniques used and debated in the literary theory trend in legal analysis. See, e.g., David Kennedy, "The Turn to Interpretation," *Southern California Law Review*, vol. 57 (1985), p. 251 (demonstrating through deconstructive techniques the multiple possible methods for managing opposing tensions in the short story, "The Gift of the Magi").

11. Robert Gordon, "New Developments in Legal Theory," in David Kairys ed., *The Politics of Law* (New York: Pantheon, 1982), pp. 281, 286; Joseph William Singer, "The Legal Rights Debate in Analytical Jurisprudence from Bentham to Hohfeld," *Wisconsin Law Review*, (1982), p. 975; Joseph William Singer, "The Player and the Cards: Nihilism and Legal Theory," *Yale Law Journal*, vol. 94 (1984), p. 1. Some critical scholars identify a particular pattern in the legal masks of such tensions and contradictions: rules with exceptions that constantly threaten to swallow the rule. This pattern, claims the scholars, relates to a notion of "the dangerous supplement" that is *au courant* in other fields of theory. See Clare Dalton, "An Essay in the Deconstruction of Contract Law," *Yale Law Journal*, vol. 94 (1985), p. 997; Gerry Frug, "The Ideology of Bureaucracy in American Law," *Harvard Law Review*, vol. 97 (1984), pp. 1276, 1288-92.

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entrenched economic institutions benefit from legal decisions despite the indeterminacy of the legal doctrines themselves. This activity may involve identifying competing visions or possibilities alive in particular legal debates and reforms, detailing the ways in which one vision prevails over others, and describing the difference between legal norms as self-expressed and the law in practice.[12]

Third, the critical scholar tries to expose how legal analysis and legal culture mystifies outsiders and legitimates its results. Here, the critical scholar poses a question something like this: if legal doctrine itself is indeterminate and open-textured, and legal decisions and practice yield determinate results with patterns favoring some groups and some visions over others, how do the legal system and legal scholarship maintain the image of fairness, neutrality, and continuing possibilities for successful initiatives by losing groups? This inquiry takes the scholar back to legal materials, instead of social and historical ones, but the scholar asks expressly, how does the legal community construct itself through a system of shared meanings, made to look natural rather than chosen[13] and how do legal roles and the level of legal discourse distance legal officials and readers from their own experiences and moral judgments?[14] The scholar may then embrace methods from psychology, semiotics, and other disciplines attending to the ways particular communities make meaning, and use these methods to decode the interlocking systems of socially-constructed meanings to demonstrate their human origins and susceptibility to change.

Fourth, the critical scholar may elucidate new or previously disfavored social visions and argue for their realization in legal or political practice in part by making them part of legal discourse. For this enterprise, the scholar may seize upon literature, anthropology, and other expressions

12. Mary Jo Frug, "Securing Job Equality for Women: Labor Market Hostility to Working Mothers," *Boston University Law Review*, vol. 59 (1979), p. 55. Fran Olsen, "Statutory Rape: A Feminist Critique of Rights Analysis," *Texas Law Review*, vol. 63 (1984), p. 387; Morton Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge: Harvard University Press, 1977); Karl Klare, "Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941," *Minnesota Law Review*, vol. 62 (1978), pp. 265, 291-2.

13. Robert Gordon, "New Developments in Legal Theory," *op. cit.*, p. 288. Duncan Kennedy, "Toward an Historical Understanding of Legal Consciousness: The Case of Classical Legal Thought in America, 1850-1940," in Steve Spitzer ed., vol. 3, *Research in Law and Sociology*, (Greenwich, Conn.: JAI Press, Inc., 1980), p. 3.

14. See Peter Gabel, "Reification in Legal Reasoning," in Steve Spitzer, ed., *Research in Law and Sociology* (Greenwich, Conn.: JAI Press Inc., 1980), p. 25; William Simon, "Homo Psychologicus: Notes on a New Legal Formalism," *Stanford Law Review* vol. 32, (1980), p. 487. See also Robert Cover, *Justice Accused* (New Haven: Yale University Press, 1975) (judges uphold slavery despite their own moral convictions).

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of human aspiration and achievements. Knowing, however, that any assertion of a positive program can be subject to the same structuralist, historically contingent, and legitimation critiques the critical scholar has applied to existing legal doctrine, the visionary part of the enterprise often is limited or accompanied by self-criticism.[15]

Not all critical scholars engage in all of these activities; not all agree on the purposes or methods of the enterprise. Indeed, there may be sharp divisions between those who believe that social reform through law is possible and worthwhile and those who do not, and divisions between those seeking short-term constructive proposals after critique and those believing critique itself is construction. Nonetheless, critical legal scholars share commitments to expose rather than maintain law's mechanisms and to challenge rather than compensate for law's inability to yield certain results without the infiltration of social, historical, and economic factors embraced in the ideology of law and lawyers in a given time. These commitments draw the critical scholars into the disciplines of social theory evolving from the work of Hegel, Marx, Freud, and Levi-Strauss and into other interdisciplinary perspectives on law and society.

In many ways, these commitments draw critical legal scholars into the intellectual movements occupying the attention of scholars in other fields since WWII. Critics of the movement warn that nihilism or anarchy may be the consequences of its demonstration of law's indeterminacy; other scholars urge that the indeterminacy thesis is false.[16] Another drawback to the movement, according to some, is that it fails to speak to the tasks confronting lawyers and judges and thus neglects a chief purpose of legal scholarship. Nonetheless, critical legal studies itself offers explanations for the limitations of other approaches to law, especially in terms of their failure to acknowledge their dependence upon unstated ideological preferences to compensate for the indeterminacy of doctrine. And the movement may be in the process of shifting the legal community's conception of what legal scholarship can and should be.

Literary Theory and Interpretive Communities

A third development, although less a school of thought than a series

15. See Roberto Unger, "The Critical Legal Studies Movement," *op. cit.* The critical scholar may expressly suggest how the limits of an offered alternative are less important than the potential for struggling against old images it suggests. See Clare Dalton, "An Essay in the Deconstruction of Contract Law," *op. cit.* See also Drucilla Cornell, "Toward a Modern/Postmodern Reconstruction of Ethics," *University of Pennsylvania Law Review* vol. 111 (1985), p. 291 (drawing constructive moves from critique).

16. Owen Fiss, "The Death of Law?" *op. cit.*; John Stick, "Can Nihilism Be Pragmatic," *Harvard Law Review* vol. 100 (1986), p. 332.

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of scholarly exchanges, draws an analogy between legal interpretation and interpretation of literary texts. Through this analogy, legal scholars debate whether legal texts contain true meanings that can be discovered through appropriate interpretive techniques. Some argue that legal interpretation can secure confirmation through reference to appropriate interpretive communities or interpretive methods.[17] This argument has in turn triggered counterarguments, ranging from challenges to the analogy with language to disagreement over the possibility of general, determinate theories of interpretation of law or language.[18] The question motivating this debate seems to be something like this: are there methods of textual interpretation that can justify what courts do when courts announce changes in pre-existing law? The justifications that would count have to offer more than pragmatism, raw power, or subjectivity; the justifications to be convincing must shore up the legitimacy of the judicial enterprise by showing how it either elaborates pre-existing legal norms or discovers legal truths.[19] Accordingly, an explicit

17. Owen Fiss, "Objectivity and Interpretation," *Stanford Law Review* vol. 34 (1982), p. 739.

18. See David Hoy, "Interpreting the Law: Hermeneutical and Poststructuralist Perspectives," *Southern California Law Review,* vol. 58 (1985), p. 135, 165-176 (deconstructive strategies among critical legal scholars presume that interpretors impose meanings and use interpretation as an instrument of apology and mystification) Robin West, "Jurisprudence as Narrative: An Aesthetic Analysis of Modern Legal Theory," *New York University Law Review,* vol. 60 (1985), p. 145 (using a theory of myths in narrative literature to develop correspondence with jurisprudence). Some methods of literary criticism, including semiotics, structural analysis, and hermeneutics, have been used by some of the critical legal scholars as part of their effort to demystify law; this differs in purpose from the debate about the application of literary criticism to law.

19. One debate then concerns whether the analogy to literary theory offers grounds for understanding constraints on legal interpretation or instead demonstrates the lack of constraints. Compare, e.g., Stanley Fish, in "Fish v. Fiss," *Stanford Law Review,* vol. 36 (1984), p. 1325, 1328 (rules of interpretation provide no certainty or external constraint; interpretations depend upon conventions embedded in institutional arrangements, and thus a "new judge would soon find that she was unable to read the rules without already having a working knowledge of the practices they were supposed to order, or, to put it somewhat more paradoxically, she would find that she could read the rules that are supposed to tell her what to do only when she already knew what to do"); with Owen Fiss, "Conventionalism," *Southern California Law Review,* vol. 58 (1985), pp. 177, 185-197 (defending usefulness of and need for disciplining rules of interpretation in law whereby professional norms constrain judges, choices among conflicting interpretations); compare Ronald Dworkin, "Law as Interpretation," *Texas Law Review*, vol. 60 (1982), p. 527 (judge's sense of the whole constrains decisions) with Stanley Fish, "Working on the Chain Gang: Interpretation in the Law and Literary Criticism," *Texas Law Review,* vol. 60 (1982), p. 551 (it is not the guides from the past but the interpreter's sense of purpose, which is debatable, directs interpretation). Others challenge the relevance to legal theory of literary theory at all. Compare Christopher Stone, "Introduction: Interpreting the Symposium," *Southern California Law Review*, vol. 58 (1985), pp. 1, 4-6 (there are more

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question posed in the debate asks whether the materials of law "have determinable and objective meanings, or is what we call their 'meaning' in fact created by a community of interpreters."

The answers to this question vary. One firm answer is that meaning is created by a community of interpreters, and only on those occasions where a set of principles so dominate a field is there the sense — historically contingent, temporary, and parochial — that assumptions and conclusions are viewed as necessary and unchallengable.[20] In short, interpretation refers to conventions that are themselves changeable. Another view suggests that although the determinate qualities of objective or scientific inquiry may be lacking, the meaning of legal utterances, like the meaning of words, is found in their use and thus can be determinate in context.[21] Alternatively, legal activity is like literary interpretation, but neither are determinate or capable of "discovering" pre-existing meaning; instead, in both activities, the interpreter makes meaning by pursuing deep normative commitments concerning the point of the enterprise, be it aesthetics or politics.[22] Others suggest that legal interpretation, even as understood in light of developments in interpretation of literary texts, does not yield finality, objectivity, or shared meaning, and instead repeats in fragmented discourse the fractures of our society.[23]

Thus a debate that begins with a search for determinism or objectivity

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differences than similarities between legal and literary interpretation; judges are constrained not by rules of interpretation but by law and effects of interpretation on the world); and Christopher Stone, "From a Language Perspective," *Yale Law Journal,* vol. 90 (1981), pp. 1149, 1164-65 (criteria of meaningfulness within legal language may be identified to deepen legal research but not as exclusive focus for legal scholarship), with James Boyd White, "Law as Rhetoric, Rhetoric as Law: The Arts of Cultural and Communal Life," *University of Chicago Law Review*, vol. 52 (1985), p. 684 (arguing that law is better understood as a branch of rhetoric than as a system of rules; law is educative and creative rather than a technique for achieving wants). See Ronald Dworkin, *Law's Empire,* (Cambridge: Harvard University Press, 1986).

20. Stanley Fish, "Interpretation and the Pluralist Vision," *Texas Law Review,* vol. 60 (1982), pp. 495, 498-499. See also David Hoy, "Interpreting the Law: Hermeneutical and Poststructuralist Perspectives," *Southern California Law Review,* vol. 58 (1985), p. 135 (rejecting interpretation as either seeking author's intent or supplying reader's meaning; instead, interpretation is invariably conditioned by prior history of interpretation, but theory cannot draw a line between novel reading strategies and arbitrary impositions on a text).

21. Gerald Graff, " 'Keep off the Grass,' 'Drop Dead,' and Other Indeterminacies: A Response to Sanford Levinson," *Texas Law Review*, vol. 60 (1982), pp. 405, 408-411.

22. Ronald Dworkin, "Law as Interpretation," *op. cit.*

23. Sanford Levinson, "Law as Literature," *Texas Law Review*, vol. 60 (1982), p. 373. See also Alasdair MacIntyre, *After Virture*, (South Bend: University of Notre Dame Press, 1981), pp. 9-l0. (contemporary moral debate deploys incommensurable premises: with "a wide variety of historical origins"); Arthur Leff, "Unspeakable Ethics, Unnatural Law," *Duke Law Journal*, (1979), pp. 1229, 1249 ("everything is up for grabs").

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in legal interpretation embarks upon a broad journey through contemporary debates about meaning and truth. The debate may already have begun to clarify what kinds of meaning or truth legal scholars fear law has lost. A shortcoming of the debate is its continuing appearance, to many, as frivolous and as a detour away from legal problems. A further problem is a kind of "grass is greener on the other side" mentality by some scholars who seem to think that answers to problems in legal study must already have been achieved in literary theory. Even given these criticisms, this search into literary interpretation can fairly be said to engage legal scholars in major debates about what is at stake in law and in thinking about law. The debate over the possibility of objective meaning in legal interpretation also offers insight into what connects and what divides the converging trends of legal scholarship looking outside the law.

Why Look Outside?

Behind each of the trends taking legal scholarship beyond legal sources and methodologies is a brooding doubt about whether law deserves a privileged place in resolving conflict and ordering society. In the past, such a place of privilege depended upon the notion that legal reasoning transcended political and ideological controversies. This doubt is obvious in the debate drawing on literary interpretation. There scholars expressly address whether legal interpretation can discover determinate or objective meaning in legal texts, and search for alternatives to both a naive faith in eternal truths beyond human creation and a cynical assertion that law simply masks raw untrammeled power. Rather than resolving the question, however, the analogy to literary interpretation engages legal scholars in complex controversies over the limits and possibilities within interpretive conventions and the historically contingent sense of what a given group thinks is meaningful.

The law and economics movement similarly seeks to demonstrate that law is more than random human decisions and instead contains an internal logic channeling its power, the logic of efficiency and wealth maximization. Critics of the movement, however, suggest that this claim itself masks particular normative positions and overlooks the complexity of human institutions and history. Critical legal studies also addresses the question of whether law is determinate or open-textured, and develops the view that legal doctrine itself is entirely manipulable and indeterminate but legal culture within particular historical contexts produces determinate patterns of results. Its opponents maintain both that law's internal method and development offer more coherence and that legal culture offers more openness than the critical legal scholars suggest.

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In each instance, the debate focuses on law's alleged capacity to generate knowable and correct results, in terms set by law itself and not dependent on particular historical conditions nor expressive of uncontrolled power. Judicial decision — not legislative or executive action — is the paradigm of law here. And what is at stake is the current debates is the legitimacy of law within a culture that suspects politics and believes in science or science-like methods for securing truth. This is a culture which traditionally claims for law the ability to control and rationalize and assigns to politics struggle among competing interests and subjective wants. The culture casts law in the dominant role of keeping politics in check. And in this sense, some scholars interested in law and economics and law and literary theory seek to resecure this dominant role for law and subservient role for politics. Some critical legal studies scholars seem to reverse the pattern. By exposing the manipulability of doctrine and at the same time detailing the particular patterns of doctrine in practice, some critical legal studies scholarship suggests that politics dominates law. Most critical scholars, however, would assert instead that the distinction between law and politics itself is untenable from a critical perspective.

At the same time, critical legal studies attacks law's claims of rationality and objectivity, the claims partaking of the privileged role of science in Western culture. Law and economics and some of the law and literary theory arguments, in contrast, glean some of their support from their avowed rationality or objectivity. These two movements again attempt to re-establish and revitalize the dominant image of law while critical legal studies tries to make dominant its opposite image, images of irrationality and subjectivity. Yet here too, more may be at work than a mere inversion of prior images. Instead, critical legal studies may be embarked on an attack of the world-view that makes distinctions between objectivity and subjectivity, and rationality and irrationality. Critical legal studies may be dedicated to neither older conceptions of law nor their antitheses, but instead to the development of dialectical understandings.[24]

Even with these contrasts, what unifies the movements remains most striking. Each of the different movements searches outside of law

24. Still, it is difficult to resist noting the very certainty with which critical legal scholars portray uncertainty. Is this a new version of old avowals of law's scientism, rationality and objectivity? Does the elevation of views previously submerged, views of the irrationality and ad hoc or political nature of legal enterprise, convert these views into new orthodoxy? And would this conversion into a new orthodoxy deprive the alternate views of their very power?

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to address the question of law's legitimacy. And although each movement or group of scholars may greet the challenge to law's legitimacy from particular political stances,[25] the movements are each preoccupied with the apparent loss of certainty and determinability within legal reasoning and legal institutional decision-making. What explains this preoccupation? Two simple historical explanations can be offered, but then I will suggest a more complicated account in an effort also to explain the difference in the trends.

Simple Histories

The first simple explanation is that the job market for Ph.D's constricted dramatically in the last 15 years. Bluntly put, people who in the past would join academic departments instead went to law school and joined law faculties. These people brought with them questions and methods of inquiry common in nonlegal disciplines, and subjected law to scrutiny. An alternate version of this explanation is that the lag-time before the ideas from academic study permeates the rest of society including law — is the time it takes for those ideas to be taught to undergraduates who enter other fields,[26] and this lag-time by now has been

25. Although it may be difficult to document, the political stance associated with each movement seems fairly well understood within the community of legal scholars. The law and economics movement greets legal uncertainty with the reassertion of certainty in law — albeit through the identification, or creation, of economic rationales for legal developments. The law and economics movement thus reaffirms legitimacy based on certainty and recreated limits on the possible directions and criteria for progress. Law and economics celebrates neither change nor continuity per se, but instead supplies criteria, chiefly efficiency, for justifying which is or what ought to be. Critical legal studies in contrast seems to celebrate the uncertainty it demonstrates, and welcome the possibilities suggested by this uncertainty; this attitude seems closely connected with the generally left-liberal or radical cast of its members, politics. Yet with change these days identical to the dismantling of welfare state and Warren court innovations, opening possibilities for change hardly assumes the direction will match the left-liberal instincts of critical scholars. The literary theory debate has involved a varied set of actors, but their attitudes about uncertainty in law may well be similarly linked to their political stance, with conservatives favoring claims of certainty and shared meanings, radicals endorsing the opposite picture of uncertainty and multiple meanings, and liberals seeking some middle ground in this turbulent sea. Such political analysis is again complicated these days by the fact that the national political scene casts conservatives as change agents and liberals as defenders of the previously established liberal status quo. In this light, some liberals may claim the certainty of shared meanings to defend the judicial constitutional interpretations of the 1960s and 1970s. While more biographical explanations for these connections will be alluded to in text, a full demonstration of the political dimensions of the intellectual positions awaits development.

26. See e.g., LeAnne Schreiber, "Read Any Good Texts Lately?" *New York Times Book Review* (April 10, 1983) (deconstruction and other methods of French literary criticism appearing in common conversation 20 years after adacemic development).

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met by efficiency-oriented economics, post-WWII continental philosophy and social theory, and post-modern literary interpretation.

Another brief historical explanation for the search outside of law for answers to challenges to law's legitimacy attends to when it was that active legal scholars were young. Robert Gordon vividly describes the intellectual biography of the typical critical legal scholar as grounded in progressive political or humanist activities in the 1960s and 1970s. Such individuals were shocked by a sense of the irrelevance of legal education to the political chaos of those periods, and "desperate for a more plausible and less compromised view of the social uses of law."[27] As these people tried to use law for social change, the law school story of law's neutrality became less than plausible; and yet those same experiences in practice suggested that law sometimes and in limited ways could be used instrumentally to challenge the prevailing social order. Feeling an acute need for an explanation of what law opens up and closes off, several of these people found help from continental social theory and philosophy, and with this help began to study the structures of belief clustered in law, legal culture, and indeed patterning the ways people live and work. The people beginning this study project called it and themselves the Conference on Critical Legal Studies. Similar group biographies might be constructed for the other legal scholarship developments. Undoubtedly, they, too, would link personal experiences forged in the political upheavals of the 1960s and 1970s with questions about what in law is open, and what is closed, and what then makes law legitimate for resolving disputes and maintaining order.

Deeper Histories

Yet each of these short-term historical accounts fails to suggest why legal education and scholarship extant before recent decades had not already satisfactorily answered these questions, whatever new academic tools might be brought to bear on them. This issue obviously leads back into the history of legal thought, and especially the significance of Legal Realism, a movement of the 1920s and 1930s that carried into law the general revolt against formalism and conceptualism throughout intellectual activities.[28] It is here that the fissures in the legal edifice troubling contemporary scholars can be traced. As one observer comments, the Realist assault on the coherence of legal logic, use of precedent,

27. Robert Gordon, "New Developments in Legal Theory," *op. cit.*

28. See E. Purcell, *The Crisis of Democratic Theory* (1973), pp. 74-94; Elizabeth Mensch, "The History of Mainstream Legal Thought," in David Kairys ed. *The Politics of Law,* (New York: Pantheon, 1982), pp. 18, 26-29.

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and even basic legal categories, like rights and duties, "cut so deeply into the premises of American legal thought that no amount of enlightened policy making and informed situation sense could ever really put Humpty Dumpty together again."[29] Often summed up as the view that legal decision depends less on precedent than on what the judge ate for breakfast, Legal Realism shook law's foundations in knowable truth, objectively determinable rights, and reliably applied precedents.

Legal scholars ever since have sought to establish anew the bases for law's legitimacy. Many of the Legal Realists themselves may have inspired this effort by trying through the New Deal to reorder through law. That New Deal experience launched the infusion of policy analysis into law; pragmatic social engineering with reliance on the good intentions of the social engineers supplied one route toward re-establishing law's legitimacy. Others shifted the intellectual focus from substantive aims, now properly the domain of political conflict, and process values, the central preserve of law. Herbert Weschler's theory of neutral principles pointed in this direction, and Henry Hart's and Albert Sacks' Legal Process work in particular captured the imagination of a generation of law scholars and lawyers.[30]

Similarly important, Lon Fuller's work stressed the morality of process itself while acknowledging the tensions and antinomies in legal thought exposed by the realists.[31] It was these ideas, combined with policy analysis, that greeted the law students of the 1960s and 1970s. In the context of that period of political turmoil, these ideas did not seem to answer how law could both proclaim neutrality as to substantive ends and certainty in its internal method. The questions left by Legal Realists reassumed urgency, and it is not surprising that legal scholars now seek methods capable of new answers.[32]

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29. Mensch, *op. cit.*, p. 27.

30. See Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," *Harvard Law Review*, vol. 73 (1959), pp. 1, 15; For a thoughtful review of legal education see Clark Byse, "A Half Century of Legal Education" (Mason S. Ladd Lecture), *Iowa Law Review*, vol. 71 (1986), p. 1063.

31. Lon Fuller, *The Morality of Law*, (New Haven: Yale University Press, 1964).

32. Also emerging in the 1960s was the Law and Society School, which especially picked up the Realist charge that law is more what legal officials say and do than what the rule books say. Scholars trained in law or social science began to study the "gap" between the laws on the books and the laws in practice. The normative implications of such studies were not, however, overt; they may have suggested that the formal law should change to reflect the actual practices, or that some other enforcement strategy had to develop to implement the formal law. Since many of the law and society scholars saw themselves as objective observers of law, not law reformers, these normative implications did not receive sustained attention in their work. See *Law and Society Review*, first 19 volumes.

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What particularly remains unanswered after the Realists is whether law can constrain raw power through reference to determinate norms or principles, and it is over this question that the new trends in scholarship part company. The law and economics movement seeks an affirmative answer by replacing the image of positive logic and truth-seeking demolished by Legal Realism with the notion of an internal logic of efficiency directing law's development. Some of the literary theory scholars try to locate in techniques of textual analysis a similar positive image of discovering truth, even when that truth is admittedly dependent upon a historically located community or the particularities of textual contexts. Others within this debate summon developments in literary criticism to emphasize that interpretation is creative, contestable, and mutable, and thus capable of yielding varied meanings.

The critical legal studies scholars in a sense demonstrate similar fascination with technique and methods to confirm the certainty of their view. But the direction of critical legal studies seeks to demonstrate with certainty that legal doctrine contains no internal logic, and nor do general social forces. Instead, these scholars claim that clusters of beliefs legitimate applications of law that essentially favor the status quo even though infrequent contrary results also sometimes emerge. In this enterprise, the critical legal theorists, joined perhaps by some of the literary theory people, abandon the effort to reconstruct law's legitimacy in some kind of determinism, and at the same time move beyond the indeterminism and subjectivity claimed by the Realists. Indeed, movement in this direction seems to transcend the question shaped by the Realists as a battle between objectivity and subjectivity, constraint and power. Instead, the social construction of reality, by which we as people create the conventions that make some assumptions or decisions seem necessary and others seem arbitrary, becomes the focus of inquiry. Rather than positing new sources of objectivity and constraint, and rather than relegating legal and human activity to subjectivity and power, the critical theories try to map out the ways claims of objectivity and fears of subjectivity structure beliefs about what kinds of legal decisions and practices are legitimate.

Where Might the Looking Lead

Because of the heritage of Legal Realism, both the mission to establish law's objectivity and the mission to reject that mission involve legal scholars in non-legal academic disciplines and their similar debates. Thus, methods outside of law now seem necessary to prove either

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law's capacity to yield objectively correct conclusions or law's inability to do so. In a sense, this outward turning by legal scholars connects law study to broader intellectual currents. Yet in another sense, a real risk of isolation and mutual misunderstanding between different movements within legal scholarship arises. The specialization represented by a legal scholar's investment in structuralism, micro-economics, or other non-legal disciplines may bind that scholar to new communities in other academic departments[33] but bring distance within the law faculty. If this develops, the very possibilities of communities of meaning debated by some of the scholars and contemplated by humanistic inquiry will be defeated.

Understanding Misunderstanding

Perhaps more troubling, the very scholarly search outside of law in response to charges of law's illegitimacy fails to produce debate in terms that other legal scholars, much less nonscholars and nonlawyers, can understand and join. Whatever legal legitimacy has meant or could mean, legal scholarship these days itself creates a chasm between academic debate over law and the concerns of practicing lawyers, and nonlawyers, about whether legal institutions do good and also guard against their own power. Specialization through interdisciplinary work makes it harder for law faculties to speak together or to speak to communities beyond themselves.

Part of the difficulty, I believe, stems from the tendency of advocates for new theories to claim a new, exclusive truth about legal explanation and analysis that shuts out the other theories. Rather than competing for the position as heir to the traditional legal theory, which claimed an autonomy from other fields and also claimed to justify and rationalize actions by legal officials, legal scholars should in their own work demonstrate how to express disagreements and communicate across differences in method, world-view, and purposes. Not only would this improve the chances that legal scholars will understand one another, it would also begin to model ways of expressing disagreement without resort to mere force or power, and thereby demonstrate the possibilities of governance by law.

At its best, legal analysis offers ways to connect the general and the

33. There also is a risk that legal scholars will create new sub-specialties within law whose hybrid versions of other disciplines rely solely on lawyers, readings of nonlegal works, rather than communication with other academics. Besides the danger of dilettantism, this scenario consigns inter-disciplinary work to the inevitable time lag before nonspecialists gain access to the cutting edge in any academic field.

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particular, facts and principles, large philosophic questions of the humanities and practical demands of actual institutions. At its worst, legal analysis separates for resolution a piece of a problem that is inextricably related to other pieces, denies facts to advance principles or denies principles to attend to facts, permits the practical demands of actual institutions to overtake philosophic questions, or allows philosophic questions to obscure the practical demands of actual institutions. Sometimes, legal culture has been able to erect a shield protecting it from public scrutiny and hiding its worst aspects under banners announcing its best.

In different ways, the current trends in legal thought penetrate the shields most recently mounted by legal culture. The result is that more people now see some of the worst of legal analysis, the ways that courts justify doing injustice. But more people may also now see some of the best of legal analysis because they gain, through the new schools of legal thought, new ways to connect general and particular, facts and principles, and practical demands with philosophic questions.

My call for comprehensible legal discourse is hardly uncontroversial. The call for dialogue often divides people, much as a request for a public debate by an aspiring presidential candidate meets intransigence or indifference by the incumbent. Those who think they have something to gain by talking have little in common with those who think they have more to lose this way. Although there may be features of this kind of division in current legal scholarly communities this kind of split between those who want to talk together and those who do not — I think the misunderstandings and distances in current legal debates arise from still deeper sources, sources close to the debate over law's legitimacy itself.

The debate over legal legitimacy seems to be part of the wider dissolution of cultural narratives that helps society make sense of itself.[34] And now a great division appears between those who treasure the invention of multiple narratives and those who cherish pervasive and comforting systems of thought that makes the issues of meaning, foundations and legitimacy seem unimportant, if not unimaginable. How can this divide ever be bridged? In terms of legal scholarship, how could we ever hope for mutual understanding between those who seek to re-establish law's legitimacy and those who seek to demolish the special claims of law as a means for solving social problems?

One hope could grow from the sheer effort of legal scholars of different stripes to try to account for rival movements. The effort to build such explanations itself can enlarge shared vocabularies and join issues

34. See Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge*, (Minneapolis: University of Minnesota Press, 1985).

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across groups. A challenge to each group is to try not only to explain each other, but also to speak so that others can understand, and even recognize themselves. Yet if the premises and purposes of contrasting groups are utterly at odds, it would not be surprising to find their accounts, and indeed, their vocabularies, incommensurable, untranslatable, and incommunicable. What, then, can be done?

Here, perhaps paradoxically, I assert a feminist commitment to communication. By that, I mean simply a willingness to relinquish the claim of exclusive truth, and a concomittant willingness to hear competing vantage points, all of which are partial. The sheer sense of incommensurability, the incommunicable differences in purposes and approaches of different scholarly movements can itself be stated. Language is supple enough to say, "I can't say it," and "this explanation is too partial to get at what I mean." In this very acknowledgement of the impossibility of understanding, scholars may find a point of understanding. And this very point offers a glimpse of how legal discourse could enable disagreeing people to express their disagreements other than by violence.

Looking Locally and Contextually

Rather than seeking new formulations for a legitimacy beyond its usefulness in expressing disagreements, legal scholars could demonstrate this very usefulness to specific problems. Rather than creating some new distanced categories and methods of legal analysis removed from popular understanding, legal scholars could look at local, specific problems that crop up in their experiences. This means shaking loose of narrow doctrinal categories, like intentional torts or pendant jurisdiction, in the definition of a scholarly project.

I suggest defining for inquiry by legal scholars problems selected deliberately for their lack of fit within existing legal categories, such as problems grounded in the experiences of particular groups, like women, or like the residents of the Jamaica Plain area in Boston.[35] Criticisms of some of the new movements have pointed in this direction.[36]

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35. Some study of experiences at Harvard Law School's Legal Services Institute in Jamaica Plain has already been started. See Emily Joselyn and Judy Kaye, "Pro Se Divorce: A Strategy for Empowering Women," *Journal Law and Inequality,* vol. 1 (1984), p. 239. Developments in law and economics literature include a focus on particular economic sectors and institutions, a focus that may require refining the law and economics approach itself. See Henry Hansmann, "The Role of Nonprofit Enterprise," *Yale Law Journal,* vol. 89 (1980), p. 835; Louis Kaplow, "Extension of Monopoly Power Through Leverage," *Columbia Law Review*, vol. 85 (1985), p. 515.

36. Note, " 'Round and 'Round the Bramble Bush: From Legal Realism to Critical Legal Scholarship," *op. cit.* pp. 1669, 1687-90, and see Richard Rorty, "Method, Social

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An outpouring of rich and insightful feminist legal scholarship pursuing this level of contextual inquiry is quite new.[37] Feminist work draws on the critical legal theorists' suspicion of abstract dichotomies and reified concepts, as well as their desire to subvert the dominant view by exposing suppressed possibilities. Feminist legal scholarship also builds upon methods of literary interpretation, while attending to issues of cause and effect, and systems and incentives in a way that law and economics scholars would recognize. Yet feminist work makes the project for study the connections and lack of connections between people, just as feminist legal theorists look at the connections and lack of connection between legal discourse and lived experiences that are themselves mediated by socially constructed categories of thought. Feminist work may focus on issues of special concern to women, or more generally on commitments, like the importance of caretaking and human connection, that contrast to traditional legal premises. By necessity, feminist scholarship looks outside of law, while trying to appeal to readers' own perceptions of legal discourse that fails to represent their experience and reader's own struggles to create personal and political meaning.[38]

Whether this work convinces others, survives challenges that it too is frought with new mystifications, or speaks to audiences that can interpret

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Science, and Social Hope," in *The Consequences of Pragmatism,* (Minneapolis: University of Minnesota Press, 1982), p. 191.

37. Mary Joe Frug's work on sexism in casebooks, Elizabeth Schneider's on the women's rights movement and feminist consciousness, Susan Estrich's work on rape, and Chris Littleton's on gender and law all hold promise of crafting new modes of expression to carry new kinds of meaning, grounded in social experience and self-reflexive methods rather than legal categories or methods borrowed from other academic disciplines. Susan Estrich, *Real Rape*, (Cambridge: Harvard University Press, 1987); Mary Joe Frug, "Rereading Contracts: A Feminist Analysis of a Contracts Casebook," *American University Law Review*, vol. 34 (1985), p. 65; Chris Littleton, "In Search of a Feminist Jurisprudence," *Harvard Women's Law Journal*, vol. 10 (1987), p. 1; Elizabeth Schneider, "The Dialectic of Rights and Politics: Perspectives from the Women's Movement," *New York University Law Review*, vol. 61 (1986), p. 589. See also Fran Olsen, "Statutory Rape: A Feminist Critique of Rights Analysis," *Texas Law Review*, vol. 63 (1984), p. 387; Katherine MacKinnon, "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence," *Signs,* vol. 8 (1983), p. 635; "Law, Rethinking Sex and the Constitution," *Pennsylvania Law Review*, vol. 132 (1984), p. 955; Ann Scales, "The Emergence of Feminist Jurisprudence: An Essay," *Yale Law Journal*, vol. 95 (1986), p. 1373; Heather Wishik, "To Question Everything: The Inquiries of Feminist Jurisprudence," *Berkeley Women's Law Journal*, vol. 1 (1986), p. 64.

38. See Martha Minow, "Forming Underneath Everything that Grows: Toward a New History of Family Law," *Wisconsin Law Review*, (1986), p. 819. An emerging minority critique of CLS also urges attention to the experiences of those marginalized by prevailing institutions as a corrective and a challenge to dominant legal meanings. See Mari Matsuda, "Looking to the Bottom: Critical Legal Studies and Reparations," *Harvard Civil Rights and Civil Liberties Law Review*, vol. 22 (1987), p. 323.

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it as bases for new but recognizable meanings, remains to be seen. Yet the feminists' simultaneous focus on the particularities of felt experience and on the social filters of experience offers insight into the relations between knowledge and power, and between languages widely understood and languages widely misunderstood. Feminist scholarship's most important contribution may be its insistence that not only has prior scholarship been partial but so is feminist scholarship itself. The work thus suggests not a substitute total picture but an endeavor to see from multiple perspectives, each one incomplete.

In the search outside of law for insight into law's limits and possibilities, legal scholars have traveled the terrain charted by economists, social theorists, and literary critics. In so doing, legal scholars have enlarged legal scholarship to include debates over law's legitimacy and sources of meaning. For law scholarship to push the boundaries of modern thought, legal scholars need to do more than appropriate the techniques of other disciplines, even though this appropriation creates something new (law and economics, for example, is different from the ways that economists analyze law). Legal scholarship should look outward by looking inward to how it has insulated law from communication with nonlawyers, and cut off the sounds of legal meaning in people's daily lives. If legal scholars took as their unit of analysis actual social problems like teen pregnancy, or school crime, rather than doctrinal categories, the varied approaches of current schools of legal thought become simultaneously available to help recast the problem and to invite more articulate debate about what to do.

Partiality

By arguing that the projects of legal theory should focus on particular, concrete, social problems, I predict that eclectic approaches will become more familiar and more well-developed. This direction does risk undermining the analytic coherence of each school of theory; eclecticism also rejects the claim to exclusive truth or greater power implicit in each of the schools. These are strengths, not weaknesses, of a theoretical project if we take seriously the feminist challenge to any point of view that would claim transcendence or neutrality. Once there is more than one point of view, no point of view can be treated as not a point of view.[39] Moreover, an understanding of the partiality of each method and point of view supports and sustains a feminist commitment to inclusion

39. See Martha Minow, "When Difference Has Its Home: Group Homes for the Mentally Retarded, Equal Protection and Legal Treatment of Difference," *Harvard Civil Rights and Civil Liberties Law Review*, vol. 22 (1987), pp. 111, 179.

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and validation of multiple points of view. Taken together, law and economics, critical legal studies, and law and literary theory clear the deck for a deeper exploration of the problems underlying particular social problems than the inquiry usually set in motion by legal analysis. The conflicts in the assumptions and directions advanced by these competing theories actually promise a fruitful basis to explore, in context, alternative solutions to pressing problems.

Rather than undermining the power of legal analysis, a commitment to use the variety of theories solicits broader support for governance by law and affords a chance for encountering real problems with the full range of political debate that they generate. The problems of teen pregnancy, the homeless, discrimination on the basis of race, wealth, ethnicity, viewpoint, or gender cannot be resolved by reference to any internally sealed system of analysis, and the legitimacy of legal responses to such problems will not depend upon the coherence and elegance of theory. An honest admission, indeed, of the inadequacies of theory might well advance the appeal of legal solutions, along with opening up possibilities for creative eclectic approaches. New solutions will give rise to new problems, but the process of open and conflictual debate about how to address them is more likely to engage diverse groups and invite respect than a process than pretends to provide tidy solutions.

Law and economics, critical legal studies, and law and literary theory did not create the circumstance under which law's legitimacy is under seige, but they have made it more difficult to evade this circumstance. These trends offer new ways to discuss real issues in social and political life without ceding responsibility for them to a system of thought removed from human choice. And these developments in legal scholarship may point toward promising experiments in actual reconstruction of rules and practices in local settings. In this way, law looking outward may encourage people to relocate ourselves as participants in the problems we discuss, participants who are newly articulate in the face of what has been unspeakable. As Hannah Arendt says, "we humanize what is going on in the world and in ourselves only by speaking of it, and in the course of speaking of it we learn to be human."[40]

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40. Hannah Arendt, quoted in Claus Mueller, *The Private Life*, (New York, 1976), p. 19.

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Notes and Commentary:

Carl Schmitt and the Frankfurt School: A Rejoinder

Ellen Kennedy

My "Carl Schmitt and the Frankfurt School" has been greeted by a vehement polemic which so far has generated more heat than light.[1] What I argued is the following. There has been a reception of Schmitt's constitutional theory by the Frankfurt School. The principal bearer of Schmitt's legal theory in that tradition was Kirchheimer, but evidence of Schmitt's influence can be found also in Neumann and Benjamin in the first generation; Habermas, in the next. The most important lines of a Schmitt reception in the Frankfurt School are these: a "substantial" concept of democracy — not merely a "formal" one; the correlate theme of an ultimate contradiction between democracy so understood and liberal political institutions; analysis of constitutional legality as distinct from the legitimacy of particular provisions and the constitution as a whole; finally, the socio-historical role of the bourgeoisie as the basis of liberal institutions and the liberal-democratic state in the context of a critical legal theory.

Further, in adopting some of Schmitt's ideas did the Frankfurt School consider the consequences? In my view they did not reflect adequately on the central problem of *any* reception of the Schmittian corpus, namely that it leads to conclusions hostile to a pragmatic concept of politics on the model of Western liberal democracy. This was ignored, either because it was irrelevant to the issue at hand (Benjamin), because these consequences had not yet made their historical appearance (Kirchheimer and Neumann before 1933), or because it was assumed that Schmitt's analysis of the modern state was not bound to have political consequences inimical to progressive politics when applied in

1. *Telos* 71 (Spring 1987), pp. 37-66 and 67-109 respectively.

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conjunction with leftist politics (Kirchheimer, Neumann and the early Habermas).

Not only does my article state that a gulf of political preferences separated the Frankfurt School from Schmitt, elaboration of this very fact was the objective of the article in the first place. Habermas accepted that point, but immediately emphasized that there is a difference in *political intentions* so great as to constitute a difference in substance between Schmitt's theory and his own or that of other Frankfurt School theorists.[2] Reference to different intentions, however, does not address my argument. The question remains: Can a "Critical Theory" of liberal institutions that draws on the Schmittian analysis be positive? If the answer is yes, as Preuss has tried to demonstrate, then we must at least reconsider the evaluation of Schmitt's work that led to its becoming, as Söllner remarks at the start of his polemic, such a powerful "boo-word" in contemporary political theory. If the answer remains negative, as it was for many of Schmitt's contemporaries, then we have come full circle to the original paradox: What did some of this century's most influential leftist theorists hope to find there?

Jay and Söllner

One commentator has remarked on a tendency to see the issues in terms of executioners and victims.[3] Both Jay and Söllner see the history of political thought in modern Germany as a set piece. Both share a common pathos about the issue and an inability to resist playing schoolmasters. But they approach it from quite different intellectual backgrounds. Jay comes to Schmitt's work with no interest in it and unfamiliar with the intricacies of German state theory and jurisprudence. *The Dialectical Imagination* treats Neumann and Kirchheimer only as contributors to the Institute's studies of Nazism — minor figures in the real drama of the philosophical super-stars in exile: "Horkheimer and the other members of the inner circle," Jay writes, "found

2. "Carl Schmitt and the Frankfurt School" was originally presented at a 1984 conference in Ludwigsburg, West Germany. See Axel Honneth & Albrecht Wellmer, eds., *Die Frankfurter Schule und die Folgen* (Berlin & New York: Walter de Gruyter Verlag, 1986). Habermas immediately dismissed any possibility of there having been a "serious" reception of Schmittian thought by any Frankfurt School theorists. Schmitt's acknowledged influence on Kirchheimer was dismissed as an "error of youth" (*Jugendsünde*). Neumann's sympathy for Schmitt's constitutional theory and its application for the analysis of the crisis of pluralism at the end of the Weimar Republic (*Der Hüter der Verfassung*) was similarly dismissed. Habermas treated Benjamin's debt to Schmitt (and Adorno's editing of Benjamin's works to remove acknowledgements to Schmitt, if not the textual references) as a minor embarrassment. As to his own critique of liberal democracy, Habermas is now obviously in full flight from his own *Jugendsünde* and anxious to secure his place in the political landscape of West German politics as "the man who gave us Locke and Mill" (as one Habermas follower said to me). Schmitt clearly does not fit easily into that political landscape (neither, for that matter, do Marx and Engels). See the report in *Süddeutsche Zeitung* (December, 29-30, 1984), p. 15.

3. Albert Schäffer, "Ein Trauma," *Frankfurter Allgemeine Zeitung* (February 18, 1987), p. 32.

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Neumann's conclusions and the methodology that he had used to derive them . . . sufficiently foreign to Critical Theory to prevent the inner circle from considering *Behemoth* a real expression of the Institute's views." What this means, according to Jay, is that "in Neumann's case political science and law were undiluted by the Institute's psychological approach to Nazism. All this boils down to the fact that much of Neumann's method came from Schmitt."[4] Indifference to most 20th century political theory is combined with Jay's deep aversion to Schmitt and all he stands for. It remains a mystery, however, why he sets out to correct my interpretation on that basis.

Jay's polemic sees my argument as a simple reduction of "left and right extremes" to a single anti-liberal equivalent. He begins by asserting my analysis is "little more than a naked recapitulation of Schmitt's radically democratic demolition of liberalism," then proceeds to attempt to "clear" Kirchheimer, Neumann and Habermas of any contamination with Schmitt's political theory by insinuating that my article has distorted historical evidence. Since Jay's purpose is to acquit the Frankfurt School as a whole of the taint of "Schmittianism," it would seem logical for him to start with a study of Schmitt's texts. But a close look at his account of one of Schmitt's major works, *Political Theology*, reveals only a superficial acquaintance. This undermines his whole polemic.

Jay begins with an account of Schmitt's secularization thesis, reducing it to "Schmitt's Catholic background." Schmitt's biography, according to Jay, leads him to transfer the Biblical image of Old Testament prefiguration and New Testament fulfillment onto the question of the origin of political authority. Schmitt's Expressionist rhetoric in this relatively early work — "All significant concepts of the modern doctrine of the state are secularized theological concepts" — boils down, in Jay's reading, to the assertion that "like God, the political sovereign is not bound by normative constraints of any kind, but is rather their prior ground."[5] It followed from this "central premise" that in an

4. Martin Jay, *The Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research 1923-1950* (Boston and Toronto: Little, Brown & Co., 1973), p. 162; Jay's brief Foreword to the English Edition of Franz Neumann, *The Rule of Law: Political Theory and the Legal System in Modern Society* (Leamington Spa, UK & Dover, NH: Berg Publishers, 1986), adds little to his previously published work and makes no mention of newer studies of Neumann. He does note, however, that Neumann's concept of state sovereignty as a justification "that legal decision could be made on political rather than rational grounds" [sic] was taken from Schmitt. Jay erroneously describes *Behemoth* as making Schmitt Neumann's "target of abuse." He seems to think that moralistic descriptions such as Schmitt's "cynicism" vs. Neumann's "hope" exhaust theoretical discourse about politics (*ibid.*, p. xii). For a first-rate study of Neumann, see Keith Tribe, "Franz Neumann in der Emigration: 1933-1942" in Honneth & Wellmer, *Die Frankfurter Schule und die Folgen* (*op. cit.*, pp. 259-284).

5. Jay only quotes the first sentence of Chapter 3 in *Political Theology*. He refuses to consider "the plausibility of Schmitt's account of secularization" and discusses Blumenberg's analysis instead. This typifies Jay's approach to Schmitt's texts. On those pages of *The Dialectical Imagination* where he claims to discuss "Schmitt's influence

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emergency the sovereign could make decisions without accountability. Here we have the skeleton of a reading of Schmitt's political theory that allows it simply to be dismissed as relying on revelation and advocating despotism. This is convenient for Jay's argument, but it has little to do with Schmitt's own text or the debate on secularization in which he, like Kelsen and Max Weber, were engaged.

Political Theology is an extended essay on three aspects of the concept of sovereignty: the relation between norms and exceptions in liberal jurisprudence; the problem of law's content and its subject; and the meaning of a decision "in itself." Jay makes no reference to Schmitt's two fundamental points: (1) sovereignty consists in authority to maintain the state as a legal order; (2) the connection between "norms" and "exceptions," like the relation between "power" and "right" in law as a whole, is the basic problem with the concept of sovereignty. Neither does Jay pay any attention to the reason for Schmitt's essay — the disappearance of a transcendental ground for political authority. This was part of a discussion among German jurists initiated by Kelsen before Schmitt's *Political Theology* appeared.

Kelsen had pointed out a "remarkable parallel between the religious and the social problem."[6] He had argued that all problems of state theory and their resolution are like those of theology: that the concept of God personifies the order of the world in a meaningful way and is a presumption of order and unity conceived as normative or causal or both. Also, the state is conceived as the "personification of . . . the legal order."[7] The logic of relations is the same in jurisprudence as in theology, but the concept of "the state" is substituted for that of "God." In both systems these function as transcendent guarantors of order — God for all occurrences, the state as the ground of law. Kelsen rejected all personifications of sovereignty as well as its specific locus in an office.

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on Kirchheimer," all we find is the bland statement that "his [Kirchheimer's] teachers included Max Scheler, Rudolf Smend, Hermann Heller, and perhaps most importantly, Carl Schmitt," hastily followed by the assertion in a footnote that Kirchheimer later abandoned Schmitt's ideas about emergency situations. First, this limits Kirchheimer's debt to Schmitt to a theory of "the emergency" in politics — a *reductio ad absurdum* for those who know Kirchheimer's texts; second, nowhere in *The Dialectical Imagination* does Jay demonstrate a first-hand knowledge of Schmitt's work. In place of that we find more labels: Schmitt's "political Existentialism" (p. 273) and "Decisionism" (p. 148) — both characterizations taken, as Jay's notes acknowledge, from Marcuse's essay on Schmitt in *Negations* (1968). In fact, Jay's description of Marcuse's treatment of "such theories" (political theory) fits well Jay's own treatment. (Jay, *The Dialectical Imagination*, *op. cit.*, p. 118).

6. Hans Kelsen, "Gott und Staat," *Logos*, Vol. XI (1920-21), pp. 261-284; see also Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts: Beitrag zu einer reinen Rechtslehre* (Tübingen: J.C.B. Mohr [Paul Siebeck], 1920); and Kelsen, *Der soziologische und der juristische Staatsbegriff: Kritische Untersuchungen des Verhaltnisses zwischen Staat und Recht* (Tübingen: J.C.B. Mohr [Paul Siebeck], 1922).

7. Kelsen, "Gott und Staat," *op. cit.*, pp. 269 and 270.

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The legal order itself is sovereign. In Kelsen's "pure theory of law" the state is conceived as a system of abstract norms from which history, politics and ethics are excluded. Its purpose is an unbiased jurisprudence, but its result is a radical legal positivism. Kelsen's jurisprudence is chillingly consistent in upholding positive law as the only source of legal decisions and the only binding standard for social life.[8]

The connection between Schmitt's "political theology" and Kelsen's analysis of the relation between jurisprudence and theology is found in Chapter 3 of *Political Theology*, on which Jay's whole interpretation of Schmitt's political theory appears to rest. But the positing of a relation between God (as creator and guarantor of the world's order) and the sovereign (with respect to the legal order) which Jay attributes to Schmitt is in fact Kelsen's position, which substitutes "sovereignty" for God and attributes to it the function of a theological ground in the old metaphysics. It is Kelsen who tries to replace the substance of theological belief and its justification of the political order with a purified version of sovereign functionalism. Jay simply gets it wrong. Schmitt does not argue that "the sovereign is like God." His view is precisely the opposite: there is no "sovereign" in the modern world which functions as creator and guarantor of the state. For Schmitt, this is the whole problem of modernity and the Achilles heel of contemporary state theory.

Kelsen tried to reformulate a construction purified of those historically specific elements which had made the sovereignty of the modern state work — belief, tradition and power. His jurisprudence achieved that, so long as political and social reality could be bracketed out. Schmitt sought to bring precisely those elements back into the constitutional debate. This is one of the major attractions of his theory for Kirchheimer, Neumann and Habermas. The disappearance of a substantial agreement on the most fundamental ground of values and their realization in law and the state mean for Schmitt (and for the Critical Theorists) that the traditional concept of sovereignty had become historically obsolete. This argument is central in Schmitt's *Political Theology* and *Verfassungslehre* (1928).

Along with all liberal thought since the Enlightenment, Kelsen's jurisprudence assumed that "the machine runs by itself."[9] According to utilitarian theory, the harmony of interests in society would be achieved "automatically" through the pursuit of individual interests. The sole purpose of the state is to protect the private sphere in which the utilitarian calculus is acted out. Schmitt

8. Cf. Arnold Brecht, *Political Theory: The Foundations of Twentieth Century Thought* (Princeton NJ: Princeton University Press, 1959).

9. According to Schmitt: "The general validity of a legal prescription has become identified with the lawfulness of nature, which applies without exception. The sovereign, who in the deistic view of the world, even if conceived as residing outside the world, had remained the engineer of the great machine, has been radically pushed aside. The machine now runs by itself." See Schmitt, *Political Theology* (Cambridge, MA: MIT Press, 1985), p. 48.

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asks a basic question: What are the consequences for sovereignty, for parliamentarism, for the relation of state and society as a whole, of this structural transformation in Western thought? The two texts which most influenced the radical critique of Western democracy in Germany are variations on this these. In *Verfassungslehre* Schmitt analyzed the modern "mixed constitutions" of liberal democracies in terms of their contradictory elements of liberal forms and democratic substances. *Der Hüter der Verfassung* (1931) applied that method to the insitutions of judicial review and the socio-economic reality of pluralist competition.

The ultimate purpose of Schmitt's Weimar work was to show that secular, pluralist society transforms the calculus of liberalism as surely as the Reformation destroyed the unity of Christendom. In place of a single authoritative instance or person, the modern state exists in a dynamic of competing interests, organizations and values. A decision that resolves the tension between the idea of unity in the constitution and the constant becoming of political life is impossible. At the same time, he thought that the English pluralists were wrong to see this new world of the state as a harmless marketplace which, as the liberals assumed with respect to the individual, would find its own accomodation and balance. Where there is neither a commonly-agreed substantive value nor an unquestioned source of decision in cases of conflict, the state would become an object of social competition. Ultimately, the strongest and most priviledged would win.

Kirchheimer agreed with Schmitt, and not only in his youthful work under Schmitt in Bonn. Söllner is right to point out that one has to look at the leitmotiv in Kirchheimer's work, and he is right to focus on the tension between liberalism and democracy. But what Söllner does not really seem to grasp is that for Kirchheimer this was fundamentally a question about pluralism, and specifically its manifestation in late Weimar. Söllner misleads the reader, because he is too intent on writing a melodrama with obvious friends and enemies of the Frankfurt School. His purpose is to "mitigate" Kirchheimer's reception of restricting the possible elements to "sovereignty in terms of the state of exception or the political in terms of the exclusion of internal political enemies." Söllner knows, of course, that this is not the issue in Kirchheimer's "left-Schmittianism." It merely obfuscates Kirchheimer's use of Schmitt for a critique of pluralism. Kirchheimer was not the brave liberal democrat Söllner tries to make him. That was the whole attraction of Kirchheimer's critical legal theory for the '68 generation of German students.

Most of what Jay has to say about Kirchheimer is based on a 1944 article, "On the Question of Sovereignty." But in conceding that Kirchheimer's post-1932 break with Schmitt was "not unequivocal," his only evidence is that Kirchheimer published a book with a title similar to one of Schmitt's works in a series presumably edited by Schmitt. In fact, it was a critique of Hitler and Nazism cleverly packaged to resemble a series being published under Schmitt's

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auspices. The purpose was to endanger Schmitt.[10] It would tax Jay's own preconceptions to look in detail at the only Kirchheimer text he does cite, but "On the Question of Sovereignty" is as good as any of Kirchheimer's works to show Schmitt's lasting influence on him. It is a critique of the pluralist theory of the state in the context of American government and political culture. Against the view that a democracy of pressure groups is the best form of modern government, Kirchheimer argues (as Schmitt did programmatically in 1930 in "Staatsethik und pluralistischer Staat" and *Hugo Preuss: Sein Staatsbegriff und seine Stellung in der deutschen Staatslehre*), that groups in society enjoy unequal powers and privileges. In systems of adversarial pluralism the central question of political theory has become that of "a superior instance . . . [or] procedure that can moderate the constant pressure and counter pressure of private organizations" in society.[11] Referring to the sabotage of Roosevelt's "National Recovery Act" by vested interests, Kirchheimer comments that these sacrificed "the sovereignty of the whole society to private gain . . . and posed the further question that now haunts pluralist theory — what happens if the competition of groups is so powerful and so comprehensive that it cannot be 'cleared up' without a substantial agreement among the disputing parties?"[12]

Kirchheimer emphasizes that in *Political Theology* and *Die Diktatur* (1921) Schmitt had already given up hope of finding a "permanent subject of sovereignty which could bring the interests and wishes of various groups into balance." By defining sovereignty in terms of a decision about the "state of exception,"[13] Schmitt restated the concept of sovereign power. Hobbes located sovereign power in a person or institution authorized to give laws. Schmitt, aware of the contemporary reality of adversarial pluralism and the dramatic growth in state functions during and after WWI transformed the Hobbesian notion of sovereignty as a person or instance into a moment of existential intervention in a process over which the sovereign does not preside as creator and controller. Kirchheimer agrees with Schmitt that the central problem is to locate historically an idea of the "common good" or "public interest" which transcends particular interests, but disagrees on its content. Kirchheimer also agrees with Schmitt on the difficulty of identifying an institutional locus of decision about the concrete realization of the common good, although he finds Schmitt's conception of the subject of sovereign power "really problematic," and distinguishes his own interpretation from Schmitt's by reversing the order

10. On the relation between Schmitt's *Staatsgefüge und Zusammenbruch des Zweiten Reiches: Der Sieg des Bürgers über den Soldaten* (Hamburg: Hanseatische Verlagsanstalt, 1934) and Kirchheimer's *Staatsgefüge und Recht des Dritten Reiches* (1935), see George Schwab, "Carl Schmitt Through a Glass Darkly," scheduled to appear in Piet Tommissen, ed., *Carl Schmitt Forschungen*, Vol. I (Brussels: 1988).

11. Otto Kirchheimer, "Zur Frage der Souveränität" in *Politik und Verfassung* (Frankfurt a/M: Suhrkamp Verlag, 1981), p. 88. Originally published in *The Journal of Politics*.

12. *Ibid.*, p. 92.

13. Schmitt, *Political Theology*, *op. cit.*, p.5.

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of "norms and exceptions" established in *Political Theology*: "The contours of wonders and exceptions are defined by the rules of 'normalcy' which confirm that they do constitute exceptions." But Kirchheimer still agrees with Schmitt that the obstacles to a state theory in the modern age are twofold: there are no "binding rules"; and politics goes on in "a state of permanent exception" which signifies the lack of a system of rational coordination which has historically been attributed to sovereignty. Schmitt's theory proves that society has reached the stage where a balance of interests is extremely unstable. "There are," writes Kirchheimer echoing Schmitt, "no automatic coordination mechanisms which would effect a final decision."[14]

Jay avoids considering the evidence of a Schmitt reception in the work of Kirchheimer and Neumann by using the *topos* "left Schmittianism" vs. "Critical Theory" or "the Frankfurt School." Söllner does the same. The strategy aims at foreclosing reflection on anything that might challenge established judgments. "Left Schmittianism" understood as Kirchheimer did, as Söllner utilizes it, or as it appears elsewhere in the German literature on Schmitt, is *a priori* out of bounds for Jay.[15] A second and related issue is raised by Jay's assertion that I have "done violence both to the historical evidence and the implications that can be drawn from it." This boils down to two things. One can be easily dismissed — Jay's attempt to foreclose the history of a Schmitt reception by defining "the Frankfurt School" in a way that makes it look like a suburban garden club. It is well known that the intellectual and biographical ties among the members of the Institute for Social Research in all its phases were fraught — Benjamin's relation to Adorno, and Habermas' to Horkheimer are only two examples. If we approached the history of ideas in the way Jay seems to think appropriate, there would be no studies of "the Enlightenment" or "the Renaissance," or, to take rather more humble historical baskets, "Austro-Marxism" and "the Frankfurt School." His other device is elaborated along the lines of who-had-their-membership-cards-when, and his own notion of "stars" and "marginal figures" in the tradition of Critical Theory. Playing this game allows him to relegate the political theorists of the Frankfurt School to very marginal figures in *The Dialectical Imagination*. It would work here too, if we

14. All quotations in this paragraph: Kirchheimer, "Zur Frage der Souveränität," *op.cit.*, p. 93.

15. Here is really a case of "my mind is made up, don't confuse me with the facts." Flattering though it is to be credited with being "the first and only commentator to have read Habermas in this way," i.e., seeing a connection between his work and Schmitt's, Jay should consult Wolfgang Jäger, *Öffentlichkeit und Parlamentarismus: Eine Kritik an Jürgen Habermas* (Stuttgart: Kohlhammer Verlag, 1973). He might also like to see Martin Rhonheimer, *Politisierung und Legitimitätsentzug* (Freiburg i. Br.: Alber Verlag, 1979). Or perhaps Wilhelm Hennis, "Legitimität: Zu einer Kategorie der bürgerlichen Gesellschaft," in Hennis, *Politik und praktische Philosophie: Schriften zur politische Theorie* (Stuttgart: Klett-Cotta Verlag, 1977), which contains a reference to Habermas' notion of "legitimation crisis" as "Carl Schmitt in Frankfurt dialect."

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accepted Jay's rules of the game. But when it comes to the "historical evidence" concerning Schmitt and Kirchheimer, his game is up.

If we examine Jay's contention that "all [Kirchheimer's] positive references to Schmitt came when he was very young" and that by the time he came to New York in 1937 "he was no longer citing Schmitt in positive terms," we see that there was never a sharp break between them — personally or intellectually — although 1932 does mark, as I have shown, the beginning of Kirchheimer's disillusionment with the concept of democracy as an identity. After WWII, to cite just one example, Kirchheimer wrote to Schmitt that in the article he co-authored with Nathan Leites ("Legalität und Legitimität" 1932) he had tried "to confront conceptual realism with the actual developmental tendencies of institutions [and that this] was not aimed at the internal coherence of your thought although the perspective is somewhat different."[16] But we hardly need recourse to the correspondence or even Kirchheimer's own interpretation of the relation between his work and Schmitt's to see that most of Jay's polemic is misleading. An ample dose of Jay's medicine of "nuanced interpretation" taken in combination with Kirchheimer's work after 1945 produces a picture at variance with Jay's assertions. In addition to "On the Question of Sovereignty," other postwar works by Kirchheimer also evidence the continuing attraction for him of central themes from the Schmitt corpus — his analysis of "political justice" and his study of the "catch-all party" in Western democracies.[17] Kirchheimer's critical analysis of the disappearance of the opposition in Western democracies would have little of its force without Schmitt's analysis of "depoliticization" as the dream of contemporary liberalism.

Preuss

All of this is hardly a secret in West Germany, where the reception of Schmitt's work by the left after 1968 largely depended on the legal-critical theory of Kirchheimer and Neumann, combined with a heady dose of Schmitt and (before he declared the students "left fascists") Habermas. Preuss, who proudly identifies himself as a "left Schmittian," knows this better than anyone.[18] Thus

16. Unpublished letter, Kirchheimer to Schmitt, November 21, 1952; original in Carl Schmitt-Nachlass, Hauptstaatsarchiv Nordrhein-Westfalen, Düsseldorf, RW 265/257. See also my article in *Telos* 71, *op. cit.*, pp. 49 and 53.

17. For example, *Political Justice: The Use of Legal Procedures for Political Ends* (Princeton NJ: Princeton University Press, 1961).

18. At the Kirchheimer Symposium held in November 1985 at the Free University of Berlin, Preuss proudly declared (after a session during which the whole question of "left Schmittianism" was raised) that if the conference was looking for a left-Schmittian, he was one. See Ulrich Preuss, *Legalität und Pluralismus: Beiträge zum Verfassungsrecht der Bundesrepublik Deutschland* (Frankfurt a/M: Suhrkamp Verlag, 1973). Cf. especially p. 15, where Preuss takes up Schmitt's definition of democratic legitimacy (and in the preceding paragraph, Schmitt's distinction of parliamentary legality vs: plebiscitary legitimacy). One meets Schmitt at every turn in this book. For Preuss, at least in 1973, the "theory of the

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he might really have been able to tell us something more about Schmitt and the Frankfurt School, even Schmitt and the German left. Why he chose instead to restrict himself to an apology for Habermas that undermines his own work can only be a matter of speculation. Does it merely signal the transformation of West Germany's only really radical leftist lawyer into a constitutional patriot of the sort more congenial to the powers that be after 1982? Or does Preuss really aim at discrediting the Habermasian basis of a new New Left political theory by the devious means of distancing the Frankfurter from Preuss' own intellectual grandfather?

At any rate, the crucial assertion in Preuss' article comes at the beginning of the section on "Carl Schmitt and Jürgen Habermas": "Schmitt's theory seeks to free from the constitution the political in the sense of an existential decision between friend and enemy." He follows this with a quotation from Habermas meant to emphasize his commitment to "rational authority" instead of "blind power." It is impossible to understand Preuss here unless we consider in some greater detail what Schmitt understood by "constitutional reality" and how his theory grasped the dialectic of a constitutional idea and its historical reality. It will also help us understand Preuss if we can be clearer than he is about his own application of Schmitt's theory to West German "constitutional realities."

Schmitt's theory sought to avoid two obvious extremes that follow from the inherent nature of law as right and power — a "purely normative view culminates in barren positivism" and a "sociology that does not recognize the value of juridical forms and institutions."[19] The real question of a constitutional theory for Schmitt was to discover the indissoluble connection between the reality and efficacy of a constitution and its norms. How does a constitution exist in this tension between idea and reality, normativity and functioning in time? Schmitt recognized this tension between the constitution's "immediate real conditions" and its "normative validity" the essence of a political theory. Preuss would have us believe that Schmitt's constitutional theory does not even try to confront "principles" with "reality" and that the tension between

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distinction between legality and legitimacy was *founded in Germany by Carl Schmitt*" (italics added). He specifically rejects the "warning" by Konrad Hesse against "playing out legality against legitimacy" (*ibid.*, p. 17). See also the excellent discussion of Preuss by Volker Neumann, "Rechts- und verfassungstheoretischen Positionen der staatsrechtlichen Linken" in *Der Staat*, Vol. 21, 1982, pp. 561 ff. Neumann writes: "Preuss combined sociological analysis based on a Marxist critique of political economy, with the critique of a de-formalization of constitutional law that had been raised in the discussion of *'Berufsverbot'*. In this he was guided by two legal-theoretical positions from the discussion during the Weimar Republic." Neumann identifies Preuss' argument here with the "two-tiered system of legality" which Kirchheimer elaborated in his debate with Schmitt (1932).

19. E. R. Huber, "Verfassung und Verfassungswirklichkeit bei Carl Schmitt," in Huber, *Bewahrung und Wandlung: Studien zur deutschen Staatstheorie und Verfassungsgeschichte* (Berlin: Duncker & Humblot, 1975), p. 28.

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the liberal forms and democratic reality is not, as I have maintained, the central thesis of Schmitt's *Verfassungslehre*. He writes: "The basis of his constitutional theory is that the *principles* of liberalism are antithetical to the *principles* of democracy." By denying Schmitt's constitutional theory a genuinely dialectical construction of idea and reality, Preuss means both to disqualify the *Verfassungslehre* as a source of leftist constitutional critique and to defend Habermas' work against any important affiliation with Schmitt's analysis.

This strategy would work as a prophylactic against "left-Schmittianism" (though why Preuss of all people would want to do that remains a mystery). But whatever else the leftist critique is, it cannot forfeit entirely Marx' approach in *Critique of Hegel's "Philosophy of Right."* Not the ideality of crown, executive and legislature in the constitution but, as Marx tells us, the discovery of their empirical reality is his purpose. Marx' critique of Hegel proceeds by confronting idea and reality in the latter's philosophy of the state. To take just one example, Hegel's identification of the civil service as "the universal class," is demolished by Marx' identification of the particular interests of the bureaucracy.[20] Preuss' defense of Habermas would also work because all of Habermas' arguments could be presented as explaining how "the normative concept of democracy as 'the self-determination of the people' " is not "antithetical to the structure of parliamentary democracy" but as the West German Supreme Court says — *vide* Preuss, the constitutional patriot — its realization, when "the opposite is true for Schmitt." But Preuss' interpretation of Schmitt's *Verfassungslehre* is simply false. While it is true that Schmitt allows the principles of democracy and liberalism to appear in contradiction with each other, and sometimes balances them out (so that in places the state is "identity *and* representation"), Preuss knows that the attractiveness of Schmitt's theory for a leftist critique is precisely in the way it confronts the principles of the liberal-democratic state with their historical reality. Neumann took up this method enthusiastically, as did Habermas in *Strukturwandel der Öffentlichkeit*. That Preuss distorts this very basic aspect of Schmitt's constitutional theory can be demonstrated by a brief look at the relation between *Verfassungslehre* and Schmitt's analysis of "The Concrete Constitutional Situation of the Present" in *Der Hüter der Verfassung*.

Schmitt addresses a persistent question for all states with written constitutions that points to the dynamic of idea and reality. Which is "the constitution" — the written document or the actual life of the state? The originality of Schmitt's theory lies in his having defined the constitution as "a communal decision about the kind and form of political unity" of a people.[21] The people as constitution-giving power have an immediate existence, and their identity is, as Huber shows, not a blank sheet onto which the constitution as a document

20. Karl Marx, *Critique of Hegel's "Philosophy of Right"* (Cambridge: At the University Press, 1977), p. 46.

21. Schmitt, *Verfassungslehre*, *op.cit.*, pp. 20ff.

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is written, but historically given. The particular circumstances of Schmitt's argument in the aftermath of the German Revolution and the National Assembly at Weimer need not detain us here. The important thing about his theory is that the real unity of the state (i.e., "the kind and form of political unity") is not only factual but existential. The definition is directed against both those theoretical alternatives in constitutional law mentioned above — the constitution as pure norm and as pure power — and this feature of Schmitt's thought gives rise to the tension of idea and reality at the heart of his conception of a constitution.

Verfassungslehre is directed against both a static conception of the constitution as something given once and for all and against its disintegration in the motion of political life. The decision for a particular constitution is not "the constitution" itself, but the basis on which it exists. According to this view, the National Assembly at Weimar took "constitutive decisions" regarding the particular institutions of the new republic which the German people, as the original and final subject of constitutional power, accepted and acknowledged in 1919. Only on the basis of that concept of the constitution as a living reality can Schmitt explore the dynamic between the constitution as text and what he calls "concrete constitutional circumstances" in *Der Hüter der Verfassung*. This is what he did in his legal studies of, e.g., the rights of the President under Art. 48 or the conditions for dissolution of the German parliament. This is normative neither in the static sense of a strict construction of the Weimar Constitution, nor does Schmitt merely justify empirical reality, as is demonstrated also in *Legalität und Legitimität*.

The attraction of Schmitt's constitutional theory for the leftist critique of bourgeois democracy at the end of the Weimar Republic is obvious in Neumann's article, "On the Preconditions and the Legal Concept of an Economic Constitution" (1931), which analyzes "the economic constitution" of Germany as a reality quite distinct from and in ways contradictory to the written constitution.[22] The dilemma of the Weimar Constitution for Neumann in this respect was that in theory "the economic constitution cannot have priority over the state constitution,"[23] but in fact it does. Neumann relies on Schmitt to demonstrate that there is a problem with "expert" or "bureaucratic" government if, as the Weimar Constitution claimed, the state is a democracy. Neumann saw the evolution of party government and coalition practice in Weimar as pushing German democracy in the first republic away from its idea. Parliamentarism thus became the source of a new liberalism — one that necessarily limits the democratic elements of the state constitution.

The attraction of Schmitt's theory for West German leftists is obvious in Preuss' work. In 1985 he argued that "Marxism did not develop a tradition of

22. Franz Neumann, in *Social Democracy and the Rule of Law: Otto Kirchheimer and Franz Neumann*, ed. by Keith Tribe (London: Allen & Unwin, 1987).

23. *Ibid.*, p. 53.

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constitutional theory because the concept of constitutional state, of a legally constituted political society was nothing but the fruit of bourgeois social and political theory,"[24] that "the withering away of the state" cannot be the guiding thread for a leftist constitutional theory. Rather, the discovery of the interconnections between law and power, idea and reality in the state — "the internal dialectic of normality and exception in bourgeois society's process of development" — will always be the task of leftist constitutional theory: "In Carl Schmitt's work we find the juridical interpretation of this fact when he reveals the real character of the legal order" as depending on a decision, not on norms.[25] Preuss quotes *Political Theology* and remarks: "The sentence could just as well have come from Lenin: first the revolutionary action of the proletariat constitutes the political order which wipes away all the superimpositions of juridical normatives, when it is endangered."[26] His article could well be used as "evidence" in the case for a leftist reception of Schmitt's constitutional theory that goes well beyond the Frankfurt School.[27] His references to Neumann's and

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24. Preuss, "Aktuelle Probleme einer linken Verfassungstheorie," in *Prokla: Zeitschrift für politische Ökonomie und sozialistische Politik* (December 1985), p. 65.

25. *Ibid.*, p. 67.

26. *Ibid.* In this passage Preuss appropriates Schmitt's decisionism and makes it the basis of a critical legal theory: "We find the juridical interpretation of this fact in Carl Schmitt, when he reveals the true character of the concept of a legal order: 'Like every other order, the legal order rests on a decision and not on a norm'." Preuss's argument in this article reminds one of nothing (except, of course, Schmitt's own text) so much as the enthusiastic appropriation of Schmitt's political and constitutional theory by Kirchheimer in "The Socialist and Bolshevist Theory of the State."

27. *Ibid.*, pp. 72-73. Preuss rightly identifies the source of Adler's "constitutional theory" of the dictatorship of the proletariat with Schmitt apparently accepting Adler's view of the dictatorship of the proletariat as a "form of the democratic constitutional power" (*ibid.*, pp. 76-78). Preuss comments on Kirchheimer's use (in "Weimar — and what then?") of Schmitt's concept of the constitution as a decision that announces "a particular program of action, in whose name the organization of a new social order will take place" (*ibid.*, p. 73). Preuss writes: "the clear convergence of Carl Schmitt's concept of a constitution as well as the Marxist theory of the dictatorship of the proletariat can be found in the meaning of every constitution as 'marking the turning point of a political development' . . . . On this ground he [Kirchheimer] could determine the 'indecisive' compromise character of the Weimar Constitution, without having to develop a theory of the constitution as the product of class compromise." (*ibid.*, p. 76). This part of Preuss' argument demonstrates the compatibility of Schmitt's constitutional analysis with the political doctrine of the dictatorship of the proletariat. It then takes another (Greener?) turn: after 1968 "the state" takes up the central place in leftist political theory because of "its increased importance for the reproduction of capitalist relations," but also because traditional Marxist class divisions have declined in importance. "The new social movements are grouped around themes like ecology, peace, patriarchy and 'post-industrial' values for which Marx' goal of 'taking back state power through society as its living power' (Marx, *Critique of Hegel's "Philosophy of Right"*) is at best a half-truth." Why? Because Marx assumed that technological progress preceded social transformations and would ultimately revolutionize social relations; but today the "fronts are reversed." The power elites of capitalism affirm the release of

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Kirchheimer's dependence on Schmitt, as well as to Max Adler's use of Schmitt's concept of dictatorship and the further adoption of Adler's argument by Abendroth, Habermas' dissertation advisor at Marbach, indicate a history of reception more complicated than can be pursued here. That there is a reception can hardly be denied, and certainly not when Preuss' own work is considered.[28]

Preuss' critique raises questions about two other points in my reading of Schmitt's constitutional theory which, if his version of things were accepted, would make the history of a reception of Schmitt's constitutional theory implausible. Schmitt understood the problem in the Weimar Constitution as one of the principle of equality and its realization. Preuss attributes to me the view that Schmitt and Kirchheimer saw "equality" in the same way — as material, social and economic equality. But I made no such claim, which would distort completely the relation between their work. Preuss also accuses me of a simple misunderstanding of the distinction in Schmitt's *Verfassungslehre* between a constitution and constitutional laws, arguing that only certain "constitutional laws," particularly those in the second half of the Weimar Constitution, were "dilatory formal compromises" — not the constitution as a whole. I did not place too great a value on Schmitt's distinction, for the simple reason that his own identification of those aspects of the constitution that are compromises

technological potential, while the new social movements "linked to the ideological tradition of the left have become the vanguard of a critique of progress" (*ibid.*, p. 77). For this reason, Preuss concludes: "A constitutional theory will no longer be exclusively a theory of the institutional boundries for the mediation of social contradictions and oppositions, but a theory of the limitations of the process in which society continually revolutionized itself . . . . Constitutional theory would then be a theory of controlled constitutional change" (*ibid.*, p. 78). This opens the way for integration of "conservative" constitutional thought into a radical leftist political theory of the post-industrial world.

28. Preuss recently delivered a paper in which he stresses the importance of "non-constitutional" factors, even in the "mass-democratic constitutional state." There are good reasons to argue against the Schmittian conception of decisive social forces and to oppose this political theory with one based on reason and discussion, Preuss comments, and refers explicitly to Habermas' notion of politics ceasing to be what Preuss calls "the blind spots of an undomesticated existence in the rationalized world": here [Preuss refers to Habermas] "the rationalization of the political becomes a utopian vision." He goes on to argue: "Every political theory that tries to mobilize the political power of the *pouvoir constituant* against the formulations of the constitutional state will have to make use of Carl Schmitt's theoretical arsenal. This explains the at first astonishing observation that, *above all the revolutionary left in the 70s discovered him*" (italics added). Preuss admits that Schmitt's notion of a "single thinking, willing and acting revolutionary subject" is obsolete today, but asserts that Schmitt could have a "surprising renaissance: he is the theorist of unity and the whole of a community in its polemical contradiction of the differentiation and functional specification of technological-economic social systems and their progressive rationalization and modernization. The escape route into the alternative world of a collective identity essentially outside any constitution is by no means cut off. In politics too we cannot escape the dialectic of the Enlightenment." Cf. Ulrich Preuss, "Grenzen der Konstitutionalisierbarkeit des Politischen," unpublished paper, Carl Schmitt Colloquium am Wissenschaftskolleg zu Berlin, June 15-16, 1987).

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is, to say the least, random. The unity of the constitution resides not, as Preuss would have us think for the purposes of his reply to me, in some static "decision," but in a tension between the constitution's principles and its realities. Schmitt does not "disengage the principle of democracy from the constitution and [posit] a genuine 'democratic' legislator" as Preuss claims. That simply denies this aspect of Schmitt's understanding of "constitutional reality" as a practical political problem and the core of a constitutional theory.

The last aspect of Preuss' argument relevant to understanding his interpretation of Schmitt bears both on his own use of Schmitt in most of what he has published in Germany as well as the view of Schmitt's constitutional theory it contains. Its attractiveness for generations of radical critics of liberal democracy has always been Schmitt's separation of the idea of the constitution and its historical reality. In other words, Schmitt's constitutional theory offers an "ideology critique" of the liberal-democratic constitution. Preuss now asserts that "Schmitt's method had nothing to do with 'ideology critique,' which endeavors to discern the objective socio-historical function of institutions." But in a *laudatio* for Schmitt's 95th birthday,[29] Preuss noted the compatibility of Schmitt's theory of the constitution with the Marxist view of legal norms as the camouflage of bourgeois society. What is important about Schmitt, Preuss wrote with obvious reference to the debate on "basis-democracy" among the Greens, is that his work shows how "latent elements of dictatorship can be smuggled into a constitutional state." Certain values are "substantialized" in this process and made effective criteria of the friend-enemy distinction; all other norms are relativized. Social powers able to declare themselves the "defenders of this real constitution" thus have the means to declare the political opponent an "enemy of the constitution." Preuss concludes by asking: Why is Carl Schmitt notorious? He answers: "Because he is compromised by his work for the Nazis? Hardly . . . . The reason is much more likely to be found in the fact that he confronted commonplace rationalizations of 'fortified democracy' with its own inner logic — and this is much less flattering than the humanitarian image it projects for itself."

Conclusion

The view that "Schmitt's criticisms penetrate to the heart of Western rationalism" was also advanced by Habermas in his review of two English translations of Schmitt's works.[30] Here, and in a subtle though singularly important respect, he and Preuss agree on Schmitt. Preuss' assertion that "Schmitt's conceptual realism . . . places [institutions] under the unmediated opposition to abstract principles in order to determine their social character and to liberate an unrationalized potential for existential decision" prepares the way for Habermas'

29. Ulrich Preuss, "Zum 95. Geburtstag von Carl Schmitt: Die latente Diktatur im Verfassungsstaat," *Tageszeitung* (July 12, 1983), pp. 8-9.

30. Jürgen Habermas, "Sovereignty and the *Führerdemokratie*," TLS (September 26, 1986), pp. 1053-1054.

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defense in terms which (the reader can only surmise, since the voice of the theorist of communication as the means to resolve all disputes, political and other, is silent) he would have chosen for himself. Schmitt's political theory is an escalator downward from "sovereignty" to *Führerdemokratie*. For all their polemical defense of Kirchheimer and Neumann, or even of "the Frankfurt School" as such, my discussion of these is not really what has so unsettled my critics, but rather my claim that Habermas' own work owes something to Schmitt. On the balance sheet of West Germany's intellectual export goods, Habermas' work is something like a license to print money, whereas Schmitt's work is a definite liability. The Germans have their reasons for this, and at least since 1949 they have been understandably eager to find some good guys somewhere in this century.

Habermas' reputation in the English-speaking world rests largely on his later works — *Legitimation Crisis* and *A Theory of Communicative Action*, and scattered essays. The two early works which demonstrate his interest in and use of Schmittian categories have never been translated. Given that most of those in the English-speaking world interested in Critical Theory and Habermas depend on translations, these early texts are simply closed books. Habermas himself would surely not want to say that his theory aims at no more than a version of liberal individualism of the pragmatic-positivist sort. The whole point of "communication" is to arrive at agreement on guiding principles of social conduct. His work on West German practical politics is perfectly consistent with his theoretical aims — not the justification of liberal political orders, but the elucidation of "action-guiding principles." But when Jay refers to Habermas' recent "constitutional patriotism" as proof that his early work was nothing like so radical an approach to liberal democracy as I have argued, he reverses the historical order. When Habermas writes that "as a matter of fact, the Federal Republic is not in bad shape" compared with its precursors on German soil (and liberal democracies elsewhere in the world), or that it is "all things considered, a halfway functioning constitutional state," he certainly does not mean to damn it with faint praise.[31] Habermas' stand in the recent "*Historikerstreit*" over the uniqueness of the Nazi genocide of the Jews proves that, whatever he might have said or written in the 1950s about the "Federal Republic," he has by now become pragmatic enough to see it for what is — the best system the Germans have ever had. Habermas has distanced himself from his earlier, more radical positions. Growth, progress, call it what you will, but turning this line of development topsy-turvy, as Jay does, is at best disingenuous.

What remains to be answered, if the claim that Habermas' own conception of democracy as the self-determination of mankind is to be accepted as something that has nothing to do with any form of intolerance, is "who decides" what belongs to the discussion? If Habermas and my critics decide, it would seem that Schmitt does not.

31. Jürgen Habermas, "Introduction" to *Observations on "The Spiritual Situation of the Age"* (Cambridge, MA: MIT Press, 1984), p. 11.

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On Platoon

R. G. Davis

The recent Viet Nam film wave invites comparisons to other forms of cultural production that occurred in Western countries after their frustrations at decolonization. What sort of cultural fare did the French create after their defeat at Dien Bien Phu in 1954? Did they too celebrate themselves and never talk of the Vietnamese? After Algeria gained its independence in 1962, did the French refuse to discuss the Algerians as we have never discussed, examined or even adequately represented the Vietnamese in fiction, film or plays?

For example, the response of seven American playwrighters to Vietnam is chronicled in *Coming to Terms*, a collection of plays published in 1985 by *Performance Art Journal* (PAJ). There is not much about Vietnam in these plays, and this turns out to be true for other works that deal with Vietnam. This is true of *Tracers*, a play by Vietnam Vets, films like Coppola's Wagnerian *Apocalypse Now*, Peter Davis's *Hearts and Minds*, Durang's *The Vietnamization of New Jersey*, and Arthur Kopits' *Indians*. Nothing at hand or yet to come from Hollywood will provide a description of the war from the Vietnamese point of view. A lone exception is a documentary shown on PBS which devoted two or three of its six parts to the Vietnamese. General Giap, Tran Van Dong, and other former and current leaders explained their activities in the war. But in dramatic literature or film fiction there is no adequate or in depth representation of the Vietnamese.

It seems odd to have fought a nation from 1954 to 1975 and not find a play or film that represents the point of view of the people we were fighting. But there is none. It is all the more surprising in that the imperialist French had seen such a play. Jean Genet's *The Screens* is written from the Algerian point of view. This "perversion" was especially irritating to some of the French, who disrupted performances when it was first performed in 1966 at the Odeon by the Renaud, Barrault Company directed by Roger Blin. Disruptions do not always validate the radicality of a play; sometimes audiences create a ruckus because the production is inadequate. But on reading *The Screens* the source of the irritation becomes evident. The Algerians and French colonials are presented as theatrical figures wearing false noses and odd pieces of clothing, making it all non-naturalistic. Said, the main character, is a selfish thief, a rotten human being who does not represent anything close to the purity usually ascribed to victims of colonial domination. He is a disgusting and irritating Algerian who robs from both his compatriots and the French. Unlike the melodramatic

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plays we have seen in this country about the victims of US militarism in Central America or of South Africa's apartheid, *The Screens* focuses on an unrepentant discard. Like the French in the play, Said is vicious. But in context his venality pales. As the play progresses, the French are shown pulling out, and compared to the political violence of the Algerians their excesses are truly horrifying. The French use of torture to break the Algerian underground makes the Algerians human to the audience, and the French turn into *plastique*.

In *Platoon*, the Americans and the few Vietnamese who are shown are all victims. The Americans decide to burn down a village because they find weapons, rice and tunnels there. The few people they have not shot or raped they carry away. The villagers leave their homes with their American "friends," all victims of a monstrous necessity. The protagonist, a college dropout who joined the war because he didn't want only "the poor people to do the fighting," says in his final line as he is airlifted out of the jungle, "We are fighting ourselves." Again and again, no Vietnamese. The enemy is not even granted recognition.

In two of the PAJ plays, there is nothing about the Vietnamese. *Streamers*, by David Rabe, is set in a barracks in Virginia and Emily Mann's *Still Life* stages a psychological examination session which has more to do with the soldier's wife and ex-girlfriend than the Viet Cong, Viet Min or the war. The other five plays in *Coming to Terms* (a therapuetic, soothing title) also focus on Americans. Terrence McNally's one act *Botticelli* does take place in Vietnam, yet it is about three American soldiers who talk about high culture while fighting. As they discuss Proust and Palestrina, they machine gun "a Man." We can't quite tell if it's a Laotian, a Cambodian or a Vietnamese. *Medal of Honor Rag* by Tom Cole takes place in an Army Hospital in Pennsylvania. Definitely no Vietnamese there. Michael Weller's play, *Moonchildren*, takes place in an American university town. Stephen Metcalfe's *Strange Snow*, written in 1982, is about two Vietnam vets, one crazy and the other sane, who have it out at "Dave and Martha's home." The play is similar to the personal accounts in *Tracers*, where Vets exculpate their sins and express their madness — with little or no explanation of what the Vietnamese were doing to create the "madness." Nor do they even conjecture what the psychological problems were for the Vietnamese soldier, who would have had different psychological problems and which might help explain the problems of American soldiers.

The spectacle of the Vietnam war is a formidable force in US society. Ronald Reagan was recently quoted as having answered a phone at the White House and said: "I'm surrounded by Marines, they have landed. . . ." The Marines that landed in the White House had all been participants in the Vietnam War. North, Schultz, Carlucci, McFarlane, all ex-Marines who lost in various campaigns. All were now in power. The Contra funding was managed by Generals, Colonels, Admirals, and their wealthy right wing associates, all of

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whom witnessed the loss of the war in Vietnam. Like the OAS in France which fought on even after the cease fire agreements had been signed with the Algerians, some American soldiers/officers continued with the same sort of program they followed in Vietnam.

Secord, Schactly, Singelaub, all rogue ex-Generals, travel the globe, most recently to the Philippines to help gangs or death-squads kill anyone, labor leader or communist sympathizer, opposed to the so-called democratically elected government. These ex-Generals are not in revolt against the US military establishment nor the administration, as the French OAS Generals were in 1961. Rather, they are supported with "a wink and a nod," as the white cowboy in the White House has said. The American military does not wish to know about the Vietnamese, Nicaraguans, the Angolans, the Ethiopians, the Cambodians or the Sudanese — wherever there is a low intensity war. The militarists do not want to know about the Other nor, it seems, on the evidence of the literature and film productions, do the liberals or the left-liberals.

There is something in *The Screens* that is nowhere in the seven American plays and various films, and that is the voice of the Other. Genet makes the Algerians present, but the Americans can't figure out what or who the Vietnamese are, and so they spend almost every moment exploring the psyche and personal issues of Americans. Genet's *Screens* gets underneath the skin of The Other and outside the French colonial mentality. It gets inside the ugliness, murder and treachery of a liberation war. The play literally occurs on screens which form a backdrop that the actors draw on in order to portray various characters. They illustrate on the screens the event or location they are going to act out. This way of describing things opens the stage to interpretation. It provides a wider canvas than the obligatory verisimilitude apparently necessary to authenticate an American play. For example, in the production of *Streamers* at an expensive playhouse in Los Angeles, the barracks were realistically reproduced, and the stage design and costumes must have come directly from the film studios. With the use of multiple screens (new ones are brought on for each scene) in Genet's play, the panoramic events of the Algerian war and colonialist operation are portrayed. Some 40 actors playing 60 characters intertwine in the production. The psychology of Said, the Arab low life, is embedded in the action along with political, social and cultural conditions.

Perhaps because he lived there, Genet knew the Algerians. Admittedly, few Americans lived with the Vietnamese, yet there is another difference here. The French imperialists occupied Algeria just as Portugal did Mozambique, Britain Aden, and the French Vietnam. But ever since the Monroe Doctrine, the United States does not occupy land to colonize it. Instead, we have a policy of economic control, learned in the occupation of the Dominican Republic around the time of our first Nicaraguan incursions. Marines land and take hold of important banks or utilities. They control the customs house to collect taxes and control the money of the target country. The US does not need to

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occupy territory as the older imperialists did. As new imperialists we take charge of the stockmarkets or the banks, or the World Bank and the International Bank. We are, therefore, always at a great distance from the "natives." The British and the French, as a friend told me in Hong Kong, are hated by the "natives." That made clear, both parties could negotiate. The Americans, on the other hand, interfere and are surprised that the "natives" hate them.

This approach to imperialism reflects something of the US personality, the lopsided American. Tocqueville characterized it in his depiction of industrious Americans without any interest in philosophy. Without any theory (philosophy) there is no understanding of the Other (to paraphrase Lenin). In a discussion of shame in *Being and Nothingness*, Sartre writes: ". . . the presence of another in my consciousness, even a catalyst, is incompatible with the reflective attitude; in the field of my reflection I can never meet with anything but consciousness which is mine. But the Other is the indispensable mediator between myself and me. I am ashamed of myself 'as I appear' to the Other. By the mere appearance of the Other, I am put in the position of passing judgment on myself as on an object, for it is as an object that I appear to the Other."

Shame is by nature "recognition." I recognize that I "am" as the Other sees me. Shame is therefore socially reactive, whereas guilt is an individual conundrum. US citizens are easily made individually guilty and just as easily relieve themselves of guilt. Guilt is in fact good for consumption. We find American culture continually focused on itself (on ourselves) supposedly in an effort to understand it/ourselves. Therapists, too, often simply say, "Take care of yourself first, then the rest of the world," especially to those people who are confused about their political and personal engagement. Artists are taught that politics is not a part of art. Nevertheless politics is part of society and art is bound up in society. Artists who try to separate themselves from their milieu usually claim to be "outsiders." However, the more distance they put between themselves and their society, the more self-absorbed they become and the less they can know the Other. An axiom of capitalist business practice is the generous and democratic admonition "Never trust anyone." A correlary for consumers is "Let the buyer beware." These cultural influences emphasize the focus on the self while disengaging from others.

The personal accounts emphasized in plays and films like *Platoon*, where the camera is closer than close-up, are still far from understanding the people who won. The imperial venture remains, as they say in *Tracers*, a "nightmare," a "surreal event," a "Kafkaesque experience" for Americans. For the Vietnamese, it must be an entirely different experience. What is that? Without that understanding, we cannot hope to understand our actions, individually or collectively.

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Special Section on Karl Polanyi

*Karl Polanyi: A Biographical Sketch**

Kari Polanyi-Levitt
and Marguerite Mendell

In the development of Polanyi's thought[1] there were breaks with modes of thought which were rediscovered in later periods. Yet there is an unbroken line — the concern with freedom, the celebration of the culture of the common people, the search for a human socialism as the only true expression of democracy — themes clearly rooted in his life and work in Europe. Toward the end of his life, Polanyi outlined a book, *Freedom in a Complex Society* (1957), which was to remain unwritten. It was his intention to expand *The Great Transformation* "beyond the brief hints on which that book closed." In a 1957 address on "Freedom and Technology" he expressed the fear that our society is destructible, that technology may make its very existence precarious, and that the omnipresent tendency to "uniformism, conformism and averagism" poses a profound danger to freedom.

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* This is an edited version of the "Introduction" to *Democracy, Fascism, and Industrial Civilization: Selected Essays by Karl Polanyi*, edited by Kari Polanyi-Levitt and Marguerite Mendell (forthcoming).

1. Karl Polanyi's most important and best known work, *The Great Transformation* (Boston: Beacon Press, 1967), was published originally in 1944 when he was 58 years old. The results of his research on economic institutions in primitive and archaic societies appeared 13 years later as *Trade and Market in the Early Empires* (Glencoe: The Free Press, 1967) and posthumously as *Dahomey and the Slave Trade: An Analysis of an Archaic Economy* (Seattle: U. of Washington Press, 1966). *The Livelihood of Man*, edited by Harry Pearson (New York: Academic Press, 1977), is constructed from Columbia lecture notes and numerous manuscripts on the ancient world. Additionally, there is a useful collection, edited by George Dalton, *Primitive, Archaic and Modern Economies* (Garden City: Doubleday, 1968), which reprints some of Polanyi's most important published papers.

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The thesis is a return to Polanyi's remarkably prophetic essay, "Nezeteink Valsaga" (Crisis in our Ideologies, 1909), wherein the term "socialism" refers to "collectivist regulations" forecast by the increasing symptoms of the failure of the market economy in the years preceding the outbreak of WWI.[2] According to Polanyi, the supercession of liberal capitalism by some form of fascism could already be foreseen before 1914. The monopolistic and corporatist developments which eventually led to the emergence of National Socialism were inherent in the deficiencies of market capitalism. He predicted that the "next period of the capitalist age" will produce an ordered, regulated capitalism. Its strength will be found in the impersonalization of human relations and the concentration of capital as the enrichment of individual life and the "culture of consciousnesss" are replaced by a dehumanizing materialism.

A generous interpretation of this 1909 article actually leads beyond the rise and fall of European fascism in the interwar period to a characterization of contemporary corporate capitalism. Does it not make "critical" states of mind "superfluous, unnecessary, repulsive, even immoral," as written in 1909? Polanyi predicted that the sphere of freedom will become more narrow; that of compulsion, wider. The ruling classes, he suggested, will equip themselves with a pseudo-religious belief in the inferiority of the manual worker, and private exploitation will be superceded by state capitalism. The older liberal appreciation of personality, with a maximum of consciousness, will become anachronistic. The spiritual weapon of the working class will become part of the armory of the capitalist class — in the form of economistic, technocratic and managerial ideologies serving the welfare state. As a description of the contemporary state of affairs in the Western world, Polanyi's predictions were and are remarkably accurate. They go far to explain the resurgence of the radical "new right" decked in the rhetoric of the defense of the individual against the mammoth state.

Polanyi believed liberal capitalism (or market economy, as he called it in his later work) to be incompatible with the nature of man as a societal being. He considered capitalist society a form of "unfreedom" in the sense that interpersonal relations are veiled and appear as responses to impersonal, "objective" market forces, carrying no element of personal responsibility of man for man, or man for his natural habitat. In advanced technological civilization, the impersonality of social interdependence breeds fear, which becomes the psychological basis of state power and ultimately the soil on which fascism takes root. A centralized "command" economy was equally unacceptable to Polanyi, not primarily because of its supposed inefficiency but because it offers no choice and thus denies both freedom and responsibility of man for his fellow man.

2. In 1950, in a letter to Oskar Jaszi in which he takes stock of his life's work, Polanyi again refers to the significance of this essay: "In the 1909 Jubilee supplement of *Huszadik Szazad*, under the title 'Nezeteink Valsaga,' I put forward the hypothesis which 30 years later, notwithstanding the errors, still represents the development of my ideas."

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Polanyi's life falls into five periods, marked by three emigrations. The formative years of his childhood in Hungary ended in 1905, when his father died. The next period encompassed his activities in the Hungarian student movement, the editorship of *Szabadgondolat*, service in the Austro-Hungarian army in Galicia in WWI, and his short venture into political life as a General Secretary of Oskar Jaszi's Radical Citizens Party. After the Communist regime closed down *Szabadgondolat* in 1919, Polanyi emigrated to Vienna There he was soon joined by the Hungarian emigrants who fled the White Terror in 1920. Among them was Ilona Ducynska, whom he married in 1923.

In Vienna, Polanyi commenced a serious study of economics and sociology within the context of his seminar on socialism. At the same time, he became a senior editor for the *Oesterreichische Volkswirt*, specializing in international affairs. In 1933 Polanyi left Austria for the "free soil" of England. There he found his real vocation as a teacher in adult education, and in the small circle of the Christian Left group which he co-founded. During this period, he immersed himself in the study of English social and economic history. The result was *The Great Transformation*, a book conceived already during his Vienna years. The shock of the discovery of the dehumanizing effect of capitalism on the British working class, as contrasted with the high cultural standards achieved by the working class in socialist Vienna, goes far to explain the tone of *The Great Transformation*. The book was written in the tranquility of a three year appointment at Bennington College, Vermont, from 1940 to 1943. Polanyi then returned to England, and resumed his work with the Workers' Educational Association. At this time, Karl and Ilona met the Karolyis and participated in the activities of the Hungarian Association in preparation for the liberation of Hungary. An appointment as Visiting Professor at Columbia University in 1947 eventually led to the third emigration. Polanyi eventually made his home in Pickering, Ontario in 1950, because he was unable to persuade American authorities to permit his wife to enter the US.

Polanyi was born in Vienna in 1886, the third child of Mihaly Pollacek and Cecile Wohl. They were part of the rising urban bourgeoisie and the movement for the national assimilation of Hungarian Jewry.[3] Mihaly Pollacek regarded both the Hungarian "gentry" as well as the wealthy gentrified Jewish bourgeoisie of Budapest with horror and contempt, and maintained social contact with neither. Personally, he remained Jewish and kept his name Pollacek, but changed the names of his children to Polanyi and their religion to Protestant (Calvinist).

3. Ilona Polanyi, "Karl Polanyi (1886-1964) — A Family Chronicle and a Short Account of his Life," *Szazadok* (1971) No. 1, pp. 89-95. Mihaly Pollacek's family produced an extraordinary generation: his sister Lujza's son was Ervin Szabo, a socialist *savant* and an inspiration to all early revolutionaries in Hungary, including Ilona herself; his sister Vilma's son was Ernö Seidler, military commander of Budapest during the Hungarian Commune of 1919; his sister Teréz's son was Odon Por, known in England as a writer on guild socialism.

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Mihaly Pollacek's death in January 1905 shattered the family. His financial fortunes had plummeted in 1900 and Karl, his elder brother Adolf, and his sister had to help out by doing private tutoring. When he was still in the *Gymnasium* at the age of 16, Karl had joined a socialist student organization founded by his older brother Adolf and his cousin, Odon Por, in 1902. Egon Szecsi, who later married his sister Sophie, was also a founding member. It was in this context that Polanyi was introduced to Marxism and to the Social Democratic Party, under whose auspices the organization operated. Unable to take root, however, it died some years later. Disillusioned both with Marxism and with Social Democratic politics, Polanyi resigned from the organization in 1907. He was a student of Gyula Pikler, an eminent authority on Roman Law, at the Univeristy of Budapest, whose progressive opinions led to efforts to have him dismissed from his post. Polanyi recalled that a gang of reactionary students attacked Pikler but were successfully repelled. After their victory in the Pikler affair, the progressive students formed the Galilei Circle in 1908. Polanyi became its first president at Pikler's suggestion.

The formation of the Galilei Circle signaled a challenge to the backward character of the University and the general pervasive morass of clericalism, corruption, opportunism, privilege and bureaucracy. In step with current intellectual trends, the movement eagerly embraced the growing interest in positive science (Avenarius and Mach) and in sociology (Herbert Spencer).

For Polanyi, progressive social reform required both a spiritual awareness and a theoretical framework; one cannot wait for impersonal mechanisms to produce social change. This explains the objections to Marxist determinism and the distance between the Galilei Circle and the socialists.[4] Polanyi's own social philosophy at that time might best be described as idealist and populist. He greatly admired the work of Ervin Szabo, G.D.H. Cole, and Robert Owen. In a 1927 essay, Polanyi maintained that in Hungary democracy had to go through the backwardness of the peasants.[5] Socialism could not be achieved by "professional revolutionaries," carrying a message constructed from preconceived ideals, which regard human society entirely as a system of production and human history as the automatic function of economic factors.

In 1912, Polanyi was called to the bar and worked for some time in his uncle's law office. He hated every minute of it. Deserving clients often had no means to pay, and those who had means were often undeserving. The strain of contributing to the family income eventually resulted in a breakdown of his

4. But this distance has been exaggerated. To the question as to whether the Galilei Circle was a socialist organization, Zsigmond Kende, himself a co-founder, replies: "We also thought of ourselves as socialists. We all agreed that the direction of mankind was towards socialism, but we were not dogmatic as to its nature. However, for practical reasons, it was agreed from the beginning that the Galilei Circle would not be a socialist institution. At the same time, a knowledge of socialism, Marxism, and historical materialism was always the object of our educational activities."

5. Cf. his "A magyar demokracia celkituzéséirol," *Láthátar* (March-April, 1927).

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health. It was almost a relief in 1915 to be called for active war service. He served as a cavalry officer for three years until disabled by illness in 1917.

Polanyi arrived in Vienna in mid-1919, where he was hospitalized and underwent a serious operation. His future wife Ilona met him at Scharzenberger's *Pension* on the outskirts of Vienna, which sheltered several other Hungarian refugees. In an unpublished 200 page manuscript written at that time, later referred to as *Behemoth*, Polanyi dedicated himself to the discovery of the origins of human suffering. He passionately rejected deterministic theories of sociology and economics, warned of the "fateful error" of belief in a science of the future, and denied the existence of scientific laws of human development. In none of his later work on the place of the economy in society is there reference to the concept of "development" or underdevelopment.

Polanyi's studies in Vienna began with a re-reading of Marx's *Capital*, and the work of the Austrian economists — Menger, Wieser, Böhm-Bawerk, and Schumpeter — and other marginalists such as Wicksteed and J.B. Clark. In 1922, he challenged Ludwig von Mises, then Professor of Economics at the University of Vienna, to a debate concerning the feasibility of a socialist economy. Mises maintained that "without a free market there can be no price formation and without price formation, there can be no economic activity." Polanyi's article appeared in 1922 in the leading German journal, along with additional contributions from Mises, Weil, Marschak and Polanyi himself.[6]

From 1924 to 1938, Polanyi was on the editorial board of *Österreichische Volkswirt*, as the specialist in international affairs. After the senior editor, Gustav Stolper, left for Germany, Polanyi was appointed co-editor. He was the most outspoken left-wing member of the *Volkswirt* editorial team. But his situation

6. Karl Polanyi, in *Archiv für Sozialwissenschaft und Sozialpolitik*, Vol. 49 (1922), pp. 377-420; L. von Mises in *ibid.*, Vol. 51 (1923), pp. 488-500; J. Marschak in *ibid.*, Vol. 51 (1923), pp. 501-520; F. Weil in *ibid.*, Vol. 52 (1924), pp. 196-217; and K. Polanyi in *ibid.*, Vol. 52 (1924), pp. 218-227. In an important unpublished manuscript, Felix Schafer, then a socialist student of economics at the University of Vienna, records the excitement he experienced when he saw the announcement of a seminar to be conducted by Polanyi on "guild socialism." That was in 1924. The feasibility of a functioning socialist economy was then the most hotly contested subject of debate among students of economics. Polanyi's attempt to construct a positive theory of socialist economy, where the abolition of private property and class antagonism would open the way for the exercise of social responsibility, was rooted in his aversion to both market economy and a centralized socialism which he considered forms of "unfreedom." His model of cooperative associations of producers and consumers, jointly determining the allocation and distribution of resources, was designed to lay the groundwork for a democratic socialist order after the abolition of private property had eliminated class conflict between owners and workers. He considered the subjective theory of value of the Austrian school to be superior to the classical Marxian labor theory and better suited to dealing with problems of choice. In this he followed Schumpeter, with the difference that he sought to give socialist content to the methodology of the Austrian economists.

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became increasingly difficult as the rise of Austrian fascism forced the journal into unofficial self-censorship. In 1933, he was advised by his colleagues to emigrate to England where he continued to contribute to the paper until it was effectively silenced after the Nazi occupation in 1938.

Polanyi felt his Vienna years were wasted because of the variety of his interests. Yet it was precisely his detailed observation of the course on contemporary European history, his extensive studies of economics, sociology, literature, and aesthetics, and his unqualified admiration of the cultural achievements of the Viennese working class which bore fruit in the work he later published in England and America.

With the assistance of friends, Polanyi established himself in England in 1933. In London he wrote and lectured on Austrian and German fascism at the Royal Institute of International Affairs, the Worker's Education Association, and numerous conferences of organized left-wing groups within the Student Christian Movement. The Worker's Education Trade Union Council published his *Europe Today*, with an introduction by G.D.H. Cole, in 1937. English friends helped him organize lecture tours to the US, where he was very impressed with the New Deal and, most of all, with the Tennessee Valley Authority project. As for the Christian Left, many of the group, including Polanyi, were Christians in belief but not affiliated with any particular denomination. What they shared was their commitment to socialism. Polanyi organized study groups, prepared educational materials and contributed to formulating policy positions.

The publication of Marx's early writings in 1933 stirred great interest among members of the Christian Left, for whom these writings provided a theoretical foundation for a society based on Christian fellowship. As Polanyi wrote in "Christianity and Economic Life:" "According to Marx, the history of human society is a process of the self-realization of the true nature of man. In our present society, the urge of our nature toward direct, personal, i.e., human relationships is being thwarted" and thus society does not conform to its essence. Mankind depends upon these human relations for survival. Humanity also depends on nature: thus, the importance of the material organization of society. Humanity's self-interaction is the basis for a Christian community not synonymous with society. The Christian definition of community regards society as a functional set of institutions. In Marx's early writings, says Polanyi, alienation, the loss of Christian community, is set against the economic organization of society and the development of private property.

For Polanyi, this was the third encounter with Marx. In his youth, he had rejected the materialist conception of history as deterministic and irreconcilable with man's ultimate responsibility for his actions. In the 1920s, he returned to a study of Marx in search of a model of socialist economy in which relations between humanity and nature would be direct, personal and transparent. The key was Chapter 1 of *Capital*. However, Marx sought to prove

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exploitation in the process of production, whereas Polanyi focused on Marx's critique of capitalism, on the market mechanism as the source of self-estrangement and social dislocation. Thus he greeted Marx's early writings with enthusiasm. He did not agree with those who contraposed the late to the early Marx. There is only one Marx, he insisted. But in *The Economic and Philosophic Manuscripts of 1844*, Marx elaborated precisely those aspects of commodity fetishism, objectification and alienation which Polanyi had long considered central and which he later explored in *The Great Transformation*.

Polanyi's argument, that in capitalism the economy is "disembedded" from society resulting in a conflict of "habitat versus improvement," flows from its universalized market as distinct from its exploitative character. His abhorrence of capitalism was not due to the workers being exploited but being dehumanized, degraded, de-cultured, reduced to toilers in William Blake's "dark satanic mills." Fascism, the ultimate degradation of the working class — and all other sections of the population — is the common enemy of both socialism and Christianity. Fascist ideology equates and rejects democracy, socialism and individualism.

In his essay on "The Essence of Fascism" (1935), Polanyi explains that the incompatibility of democracy and capitalism can be resolved in one of two ways. The socialist solution extends democratic principles to economics, which implies the progressive abolition of the private ownership of property and the means of production. The democratic political sphere then becomes the whole of society. Alternatively, the fascist solution abolishes the democratic political sphere, leaving only economic life. Human beings then become simply producers, fascism becomes the final safeguard of economic liberalism.

In "Fascism and Marxian Terminology" Polanyi attacks the "pseudo-Marxian" proposition that democracy is the appropriate political superstructure of capitalism. In a developed capitalist society, he says, a conflict arises between politics and economics, as the working class is able to use its political power to demand protection against the destructive forces of the market. The fascist reaction is a radical, indeed a revolutionary solution to this conflict, which leaves capitalism untouched. Under fascism, democracy goes and capitalism remains. For mankind, this spells a moral and material retrogression. The rise of fascism is a test of working class capacity to subordinate sectional interests and represent the broader popular interests in a socialist alternative.

With the assistance of socialist scholars such as R.H. Tawney and G.D.H. Cole, Polanyi obtained employment in adult education with the Extra-Mural Delegacies of the Universities of Oxford and London and the Workers' Education Association. He lectured to evening classes in small provincial towns in Kent and Sussex. In addition to courses on international affairs, he was required to teach the social and economic history of England, a subject about which he knew very little. Participation in the workers' education movement, however, had begun long before his arrival in England, with the Galilei Circle

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in Hungary and the Workers University in Vienna.[7]

Following an extended US lecture tour in 1935 at the invitation of the Institute of International Affairs in New York, Polanyi published a series of articles on the subject of education and class in which he contrasted the educational systems of Britain, the US and continental Europe. In "Conflicting Philosophies in Europe" (1937), he examines the differences between British class society and the crucial role played by the educational system in maintaining it. "Social groups in England are separated by their education whereas in continental nations education rather tends to bring social groups together." In England, only the "educationally favored child of the common people . . . leaves his class and passes into a different social stratum." Otherwise, the rigidities of caste erect barriers, a "cultural chasm separating the social classes."

In England Polanyi confronted the need for a genuine working class education. Coming from the continent, where equal access to education had long been a basic right and where the working class had never been subjected to the degradation of slums nor to a caste system of education in which exclusive "private" public schooling was available only to the upper class, Polanyi found the realities of English class society in the 1930s devastating. However, a genuine working class education implied more than equal access to education. It meant, "*the development of human personality out of basic experiences towards basic ends . . . towards the ends of the society* . . . free of the underlying assumptions of a capitalist society . . . such as the inevitability of the wage system; the acceptance of a community in which economic activities are removed from the orbit of public life and social morality; the erroneous view that radical change is either impossible or immoral (original emphasis). Continental orientation to *Bildung* stressed the importance of self-improvement and education as "the most suitable way of advancing the social interests of the working class . . . to transform working class citizens into a 'socialist humanity' by a politics of pedagogy."[8] Since 1860, this was an objective of the *Bildungsvereine* or cultural societies out of which the Austrian socialist movement emerged.

Polanyi's Christian Left Bulletin, *Russia and the Crisis*, notes the achievements of the Five Year Plans and Stalin's successful break with world revolution. Polanyi celebrates the building of socialism in one country: "Russia, which ten years ago was of no account as an industrialized country, now ranks

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7. For an excellent account of workers' education in Vienna, see J. Weidenholzer, *Auf dem Weg 'Neuen Menschen': Bildungs-und-Kulturarbeit der österreichischen Sozialdemokratie in der Ersten Republik* (Vienna: Europaverlag, 1981). According to Polanyi: "Forty years of my life were spent in the workers' educational movement — ten of them in this country. I was engaged mostly in the study of the social sciences including the Marxian approach. The happiest memories link me with the W.E.A.; and wholesale attacks on Marxism still make me react in favor of a creed which has earned the fanatical detestation of fascists all the world over."

8. Anson Rabinbach, *The Crisis of Austrian Socialism* (Chicago: University of Chicago Press, 1983), p. 7.

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among the very first." Regarding the Moscow Trials, he finds the old Bolsheviks, both of the right and the left, guilty of conspiracy against Stalin, which would have delivered the Soviet Union into the hands of its enemies. He urges the British working class to stand up for Russia, in the name of socialism. Before and during WWII, he was consistent and unrelenting in his appreciation of the Soviet Union.

In "Why Make Russia Run Amok" (1943), Polanyi argues for a postwar order of peaceful coexistence between Anglo-Americans and Russians. He appeals to the US to resist the anti-Russian strain so evident in the prewar policies of the British government. Chamberlain's Four Power Pact constituted a monumental blunder. The USSR, Polanyi argued, had abandoned world revolution in 1929 when she turned her energies to the building of a modern, industrialized country. Only the blind class prejudice of English schools, designed to train an elite immune to the lessons of the French Revolution, could explain prewar British policy towards Soviet Russia. Polanyi, however, noted that the US was not prepared to take Russian national interests into account in planning the postwar world. As a student of European politics, Polanyi maintained that the Soviet Union's interests must necessarily include plans for Finland, the Baltic countries, and all the countries of Eastern Europe, in order to avoid chaos and disaster after the war.

The argument is carried several steps further in "Universal Capitalism or Regional Planning" (1945), where Polanyi outlines the case for a re-organization of the international system, which recognizes that the USSR is no longer a world revolutionary center but a regional socialist power with a need to be surrounded by friendly neighbors. Universal liberal capitalism has broken down, although Americans continue to believe in it, and the US is powerful enough to attempt to reconquer the globe on its behalf. Britain has a choice: either to become an independent regional power with special links to the Commonwealth, or a subordinate partner in the American scheme of things. Polanyi's option is similar in many ways to Keynes' own proposal, which proved unacceptable to the Americans in the course of the Bretton Woods negotiations.

In Polanyi's pleas for a postwar order the US, as the only economic and military superpower in the world, would respect the national security interests of the USSR, and resist a global capitalist market system. But he underestimated his own observation that "Americans everywhere equate democracy with capitalism." The democratic ideology of liberty, equality and fraternity can only be accomodated within a national or regional community. Capitalism, on the other hand, is expansionary and global.

The Cold War was clearly in preparation long before Germany and Japan were defeated. This directly affected Polanyi's life, since US authorities did not permit his wife Ilona to join him in New York when he began teaching at Columbia University in 1947. As prospects for work were not available in the

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UK, and repatriation to Hungary was not considered advisable at that time, the Polanyis decided to make their home in Canada in 1950. Karl was forced to commute between Toronto and New York until his retirement from Columbia in 1957, at the age of 71.

In 1947, Polanyi received his first full-time academic apppointment as Visiting Professor of Economics at Columbia University, where he taught General Economic History until 1953. During this period, he applied for and received support from the Council for Research in the Social Sciences at Columbia to study the origins of economic institutions. A Ford Foundation grant permitted him to continue his research after his retirement from teaching. The Inter-Disciplinary Project on the institutional aspects of economic growth, as it become known, was co-directed by Polanyi, Conrad Arensberg and Harry Pearson until 1958. A university seminar on the same topic was held at Columbia until 1955. The findings of the project resulted in *Trade and Market in the Early Empires*.

The publication of this volume in 1957 and in particular Polanyi's article "The Economy as Instituted Process," challenged the prevailing orthodoxy in economic anthropology which unreservedly applied the assumptions of neoclassical economic theory to its study of so-called traditional or non-market economies. Even though the institutional framework of these societies differed from market society, the idea was that non-market societies should be regarded as pre-industrial and thus only stages removed from industrial development.Marxist anthropology posed no real threat and was rarely addressed by the dominant, formalist school, notwithstanding the important contributions of scholars such as Chayanov, Meillassoux and Godelier on primitive societies, or Wittfogel and Childe on archaic or ancient society. Polanyi's contributions, however, stirred great interest and gave rise to a rival school, led by Polanyi himself. The 'formalist-substantivist' debate which followed is well-known.

Prior to the publication of *Trade and Market in the Early Empires*, social institutions were axiomatically ruled out of the scope of investigation. They were assumed to play no role in the determination of economic behavior. According to a leading proponent of the formalist position, since the economist is examining only "a single aspect of social behavior," information pertaining to cultural institutions is a burden, a mass of "non-economic, ethnographic and psychological data."[9] Social systems, which had none of the features of market society, therefore, were examined by analytical methods which assumed universally functioning markets. The writings of Polanyi and the substantivist school challenged the formalist position and shook its foundations.

Non-market society was, in a sense, a laboratory in which Polanyi tested the thesis of *The Great Transformation*. "The outstanding discovery of recent historical

9. Melville Herskovits, "Economizing and Rational Behavior" in *Economic Anthropology: Readings in Theory and Analysis*, E. E. LeClair Jr. and Harold K. Schneider, eds. (New York: Holt, Rinehard and Winston, 1968), p. 59.

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and anthropological research," he wrote, "is that man's economy, *as a rule*, is submerged in his social relationships" (emphasis added). The disembedded economy, Polanyi maintained, was unique to market society. Markets had "never before" been "more than accessories of economic life." His lifelong focus on market society, however, yielded to the analysis of traditional society, following the publication of *Trade and Market in the Early Empires* and the controversy it generated among anthropologists and American institutionalists. It was this detour into economic anthropology which secured him a permanent place in the social sciences.

With the termination of the Columbia Project, Polanyi returned to the theme of freedom in a technological society. In 1960, as the first cracks appeared in the Cold War, he initiated a new journal, *Co-Existence*, the first issue of which appeared shortly after his death. In 1961 he paid his first visit to his homeland, and in 1963 he was invited to lecture to the Academy of Sciences in Budapest. He died in April 1964.

The Economy as an Institutional Process

Alberto Martinelli

Polanyi is less known and not as important as Marx, Weber or Schumpeter. Yet he has made a significant contribution to the critique of the predominant economic paradigm, the analysis of economic institutions, and, more generally, the understanding of capitalist society. To the extent that he saw the economy embedded in society, his work falls within the institutional approach (although his affinity with the North American institutionalism of Veblen, Commons and Mitchel is only partial). He focuses on the economic processes of production and the distribution and allocation of resources as essential activities of every society which occur in different institutional contexts or with

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diverse objectives, meanings and laws.[1]

Polanyi sees the relation between economy and society as organized differently in different historical periods, but he postulates a constant logical priority of society over the economy. He argues that, as a rule, the economy is immersed in social relations and that "man does not act in order to safeguard his individual interests by possessing materials goods but rather acts to safeguard his social position, his social pretenses, his social advantages."[2] Modern capitalism is exceptional because "the economy is no longer inserted in social relations but, rather, social relations are inserted in the economic system,"[3] becoming an "ancillary manager" of a market regulated by prices.

Polanyi did not envision the gradual detachment of economic activities from other types of social behavior, but rather a complete reversal through which the economy becomes free from social controls and subordinates all other aspects of social life to its needs. This process is so strong and so pervasive that students of modern industrial society tend to forget how novel and exceptional it is.

Polanyi's critique is based on three interconnected points: the market economy and its contradictions; the self-regulating market as society's fundamental institution, and a critique of classical and neo-classical economic theory in which means-end rationality is the universal economic paradigm. Against the instrumental model, Polanyi develops his concept of the economy as an institutionalized process and his typology of different kinds of economic integration.

Liberal Capitalism and the Self-Regulating Market

The Great Transformation is Polanyi's fundamental study. Written during WW II, this trauma resounds in some of the arguments, such as those dealing with the collapse of civilizations. In many ways, it is also the departure for subsequent speculations on the forms of economic activity and on the nexus between economy and society in primitive communities and ancient empires. It represents a significant contribution on the level of Schumpeter's *Capitalism, Socialism and Democracy* and Mannheim's *Man and Society in an Age of Reconstruction*.[4]

As an analysis of the collapse of "19th century civilization" or of modern industrial capitalism, the book focuses on the crisis of the self-regulating market. The central thesis is that the self-regulating market was utopian since it could not exist for long "without annulling the human and natural substance of society" by physically destroying humanity and transforming the

1. See "Notes on the life of Karl Polanyi" by Ilona Duczynska Polanyi, in Polanyi, *The Livelihood of Man*, ed. by Henry W. Pearson (New York: Academic Press, 1977).
2. Kark Polanyi, *The Great Transformation* (Boston: Beacon Press, 1967).
3. *Ibid*. p. 7.
4. Karl Mannheim, *Man and Society in an Age of Reconstuction: Studies in Modern Social Structures* (New York: Harcourt, Brace and World, 1940).

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environment into a desert. Inevitably "society adopts measures to protect itself, but whatever measure it takes, it blocks the self-regulation of the market, disorganizes industrial life, and therefore, threatens society in a different way . . ." This dilemma encourages the development of the market system along a track which ends with the collapse of the social organization on which it was based.[5]

Polanyi is aware of the simplicity and onesided character of his thesis, but he justifies it on the basis of the extraordinary importance of the self-regulating market in the birth, development and survival of a particular phase in the history of industrial civilization: 19th century capitalism. He also points out that his work is not historical. Rather than "a convincing sequence of exceptional events," he presents "an explanation of their tendencies in terms of human institutions."[6] In order to do so, he focuses on the English industrial revolution during the first half of the 19th century as a social laboratory in which to verify his hypotheses.

Strategically, Polanyi shares Marx's conviction that there are essential contradictions in capitalist society. However, unlike Marx, he sees the market and not social relations of production as the nucleus of the system. He does not consider capitalist society the highest stage of human society, but sees it as still belonging to humanity's "prehistory." Capitalism is a pathological case which, having violated several fundamental principles of social integration, ends in the violent contortions of a crisis. This analysis reverses the assumptions of classical political economy and liberal thought even more radically than Marx. What is criticized is not economic theory but utilitarian and individualistic postulates.

Polanyi sees an unresolvable conflict between market and society within liberal capitalism. Structured on the basis of the self-regulating market, the economy radically splits off from other social institutions and coerces the rest of society to function according to its laws, transforming labor and land into commodities and threatening to destroy both nature and mankind. In the face of this danger, society develops defensive mechanisms which, in turn, hinder capitalist development. A good part of *The Great Transformation* is dedicated to the analysis of this "double movement." According to Polanyi, society permits the coexistence of the free and self-regulating market with a series of controls on the exchange of labor, capital and natural resources which meet the needs of integration and social stability.

Polanyi also outlines 19th century capitalism, highlighting the fundamental institutions and social actors that guaranteed the Hundred Years Peace, from 1815 to 1914, a rare event in the history of Western civilization. He argues that the balance of power in Europe, supported by high international finance,

5. Polanyi, *The Great Transformation*, *op. cit.*, p. 4.
6. *Ibid.*, p.7.

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was based on institutional prerequisites such as the gold standard and constitutional democratic governments. The key institution was the self-regulating market. The emergence of latent contradictions provoked crises of other institutions, from the gold standard to parliamentary democracy to the peaceful balance among the Great Powers, hence destroying 19th century civilization.

To understand the resulting conflicts Polanyi returns to the origins of liberal capitalism and analyzes the causes and consequences of "that social and technological revolution out of which emerged in Western Europe the idea of the self-regulating economy."[7] From this reconstruction Polanyi further analyzes the specificity of an economic system based on self-regulating markets. The reconstruction of the origins of industrial capitalism focuses primarily on the dislocating effects of the introduction of the factory ("an almost miraculous improvement of the means of production which was accompanied by a catastrophic disruption of the lives of everyday people"[8]) and on the deliberate interventions by the state to liberalize labor and land markets.

While indebted to the classic works on the industrial revolution by Toynbee, Mantoux and the Webbs,[9] Polanyi goes beyond the theoretical and historical questions at the center of debates on the origins of capitalism among Marxist scholars such as Dobb, Sweezy, Takahashi and Hilton,[10] and historians such as Sombart, Pirenne, Brentano and Gerschenkron.[11] Both groups were concerned with the accumulation process and privileged either the transformation of social relations of production or the development of commerce in the emergence of capitalism. Because Polanyi was more interested in the institutional mechanism of economic regulation, he stressed the self-regulating economy and society's consequent self-defense.

From the beginning, Polanyi drew on Weber's work in comparative sociology and on Malinowski's, Thurnwalk's, and Firth's anthropological work[12] to argue

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7. *Ibid.*

8. *Ibid.*, p. 46.

9. Arnold Toynbee, *Lectures on the Industrial Revolution in England*, (Boston: Beacon Press, 1966); Paul J. Mantoux, *The Industrial Revolution in the Eighteenth Century* (Chicago: University of Chicago Press, 1983); and Sidney and Beatrice Webb, *English Local Government*, vol. VII—IX, Poor Law History.

10. Maurice Dobb, *Studies in the Development of Capitalism* (London: Routledge and Kegan Paul, 1975), and Rodney Hilton *et. al.*, *La transizione dal feudalismo al capitalism*, (Rome: Savelli, 1973).

11. Werner Sombart, *Der Moderne Kapitalismus* (Munich and Leipzig: Duncker and Humblot, 1916); Lugo Brentano, *Die Anfänge des modernen Kapitalismus* (Munich: Verlag der K. B. Akademie des Wissenschaften, 1916); Henri Pirenne, *The Stages in the Social History of Capitalism* (Stanford: Academic Reprints, 1953); Alexander Gerschenkron, *Economic Backwardness in Historical Perspective*, (New York: F. Praeger,1962).

12. Bronislaw Malinowski, *Argonauts of the Western Pacific* (London: Routledge and Kegan Paul, 1922); Richard Thurnwald, *Economics in Primitive Communities* (Oxford: Oxford University Press, 1932); Raymond W. Firth, *Primitive Economy of the New Zealand Maori* (London: Routledge and Kegan Paul, 1929).

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against the classical economists that the self-regulating market is not the only possible integrative institutional mechanism of the economy. Compared to other commercial activities, the market's absolute novelty consists in its subordination of the rest of social life. This, in turn, allows the transformation of those factors not produced for sale (labor, land and money) into "fictitious commodities."

This explains how, as industrial production slowly developed and the self-regulating economy grew (which should have guaranteed the free supply of labor, land and money as commodities for industry), various institutions protecting these elements also developed. In a series of chapters he studies poor laws and pauperism, the relations between nature and the market, and the destructive tensions which throw into crisis the last remaining institution of liberal capitalism: the international monetary system based on the gold standard.

An illustration of Polanyi's argument is his analysis of the Speenhamland Law of 1795, which determined the level of subsidy available to all unemployed and to all whose wages were inadequate to maintain their families. This sort of minimum guaranteed wage impeded, until its abrogation in 1834, the creation of a free labor market since it broke the link between labor time and wages for the majority of English laborers during the period. It eliminated the main incentive to work (i.e., need) and instituted a system of social welfare. The conflict between this liberal mechanism and the utilitarian principles on which it rested, on the one side, and the needs for social cohesion and solidarity on the other, are examined with great care by reconstructing the continuous process of interventions and counterinterventions.

The conflict between economic liberalism and social protectionism is not only the central theme of *The Great Transformation*, it is also the key question concerning solidarity in an individualist and utilitarian society. This theme had already been developed, with the help of classic distinctions such as Taine's between status and contract, Tonnies' between community and society,[13] Weber's typology of forms of behavior, and Durkheim's concepts of mechanical and organic solidarity. Increased state intervention in the economy following the Great Depression renewed this problem, and just prior to the publication of Polanyi's work, Mannheim analyzed it by distinguishing between laissez-faire and social regulation[14]. Polanyi provides an original treatment of the relation between economy and society. He discusses not just the crisis of liberal capitalism, but also other socio-political reactions of the interwar period, including the American New Deal, Soviet Planning, and attempts at economic regulation by authoritarian fascist regimes. This central question of society against the economy has resurfaced today with the crisis of the welfare state and attempts to redefine its role through a compromise between economic efficiency based on

13. These concepts are discussed Polanyi's essay "Our obsolete Market Mentality" in *Primitive Archaic and Modern Economies*, (Boston: Beacon Press: 1971).

14. Mannheim, *Man and Society in an Age of Reconstruction*, *op. cit.*

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competition and social equality guaranteed by social welfare institutions.

Two main criticisms can be advanced against the Polanyian interpretation of liberal capitalism. First, his holistic conception of society assigns a subordinate role to social and political actors and, second, his privileging of exogenous causes oppose more endogenous factors in explaining the genesis of the self-regulating economy. These criticisms can be better appreciated with reference to Marx, Weber, and Schumpeter.

Unlike Weber, but closer to Marx and Schumpeter, Polanyi is much more interested in analyzing the dynamics of liberal capitalism than its historical genesis. Like Marx and Schumpeter, he identifies a central category, the self-regulating market, which serves the same purpose as Marx's concept of surplus value and Schumpeter's entrepreneurial innovation. Like Marx, but unlike Schumpeter, Polanyi considers liberal capitalism inherently contradictory and thus destined to destroy the political and social institutions it produced. Schumpeter, for his part, explains the crisis of the capitalist economy as a consequence of a crisis of bourgeois social institutions and of the democratic political system. Against Marx, Polanyi refuses to privilege social relations of production, the creation of surplus value and class conflict.[15] Instead, he substitutes the self-regulating economy and its related institutional mechanisms. Furthermore, Polanyi sees liberal capitalism not as the hitherto most complex stage of human society but rather as an historical anomaly.

Polanyi has a holistic and organic concept of society. Unlike Durkheim's well-known views that "society precedes individuals" and that a social fact is not reducible to the sum of individual actions, Polanyi conceives of society as an organic whole in which every function and every specific action takes place in a unique structural context through institutional arrangements. This is why he sees liberal capitalism as an historical anomaly. But this is a peculiar and unconvincing approach, especially since Polanyi never explained how this historical accident occured. For Polanyi the self-regulating market is not the result of internal transformations but, rather, the product of exogenous factors. As such, Polanyi underemphasizes the role of class conflicts. He criticized both liberals and Marxists who argued that protectionism stemmed from class interests, or the political pressures of reactionary landowners, and considered the profit hunger of industrial magnates as the cause of monopolies. He argued that "class interests alone cannot offer a satisfactory explanation of any longstanding process"[16] since the destiny of classes is generally determined by the needs of society and not vice versa, and also because class interests constitute only one vehicle of social and political change. The ultimate cause, in fact, is determined by exogenous forces, and society relies on internal forces only as mechanisms for change. "The challenge is faced by

15. For more on this critique, see Maurice Godelier, "Introduction" to the Italian edition of *Trade and Markets in the Early Empires*, (Turin: Einaudi, 1974), p. XXXVII.

16. Polanyi, *The Great Transformation*, *op. cit.*, p. 196.

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society as a whole, but the response is expressed through groups, sectors and classes."[17]

Though Polanyi criticized the doctrine of the essentially economic nature of class interest and invited us to liberate ourselves from both the "obsession that only partial interests and never general ones can become efficacious" and the bias that "the interests of human groups are limited by their monetary income,"[18] his theory confines classes to the definition of the variations of change but does not consider classes among the causes of structural social change.[19] Contrary to Schumpeter, Polanyi does not regard social classes as primary actors, able to have a longstanding impact, but as more contingent realities, tied to particular social strutures. He argues that "a class which has exhausted its functions can be disaggregated and replaced from one day to the next by a new class or classes."[20] This is quite different from the Schumpeterian concept of the viscosity of social classes and their survival long after the historical phase in which they played an essential social function. It is also different from the Marxian analysis of class relations

Nonetheless, Polanyi offers several detailed analyses of the role of particular classes in the rise and decline of the self-regulating market society, e.g., his account of the key role played by high finance in the preservation of the Hundred Years Peace from 1815 to 1914, and of the conflict of interests between capitalists and the labor movement in creating "the conditions for the fascist solution."[21] Yet for Polanyi the basic causes of social change are social interests in their entirety and not class interests because he considers social interests superior to those of its constituent parts, and his theoretical model privileges social necessity over class destiny in explaining change.

A second criticism concerns the exogenous causes of the origins of the self-regulating market. Polanyi's holistic concept of society, his underestimation of class conflict, and his view of self-regulating markets as anomalous and "utopian" prevent him from locating the origins of this institution in endogenous transformation of socio-economic relations. It forces him to advance an interpretation which emphasizes the artificial character of this society. He writes that ". . . the construction of markets in a self-regulating system with enormous power was not the result of an intrinsic tendency of markets but rather the effect of extremely artificial stimulants administered to the social body to confront the no less artificial situation created by the mill."[22] His thesis is supported by a detailed analysis of market types, from which he concludes that markets are institutions that function mainly outside of society through

17. *Ibid.*
18. *Ibid.*, p. 198.
19. As Salsano correctly argues in his "Introduction" to the Italian translation of *The Great Transformation*, (Turin: Einaudi, 1974), p. XXVIII.
20. Polanyi, *The Great Transformation*, *op. cit.*, p. 195.
21. *Ibid.*, p. 296.
22. *Ibid.*, p. 75.

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long-distance commerce. In laissez-faire capitalism, thanks to state intervention, they become central self-perpetuating institutions. While recognizing the importance played by the expansion of markets in the origins of capitalism,[23] this thesis is not convincing. Polanyi makes the same mistakes of classical economists. While the latter project an interpretive model of the capitalist economy to primitive and pre-industrial economies, Polanyi generalizes the functional variations of primitive society and sees capitalist society a deviation from the norm.

The Critique of Classical Political Economy

Polanyi's critique of classical political economy is connected to his interpretation of the rise and fall of liberal capitalism. Already well formulated in *The Great Transformation*, the critique is taken up again in his 1947 essay, "Our Obsolete Market Mentality," and further elaborated both in chapter XIII of *Trade and Market in Early Empires* under the title "The Economy as an Institutional Process" and in the first three chapters of his posthumous work, *The Subsistence of Man*. Polanyi challenges the presumed universal validity of classical and neoclassical economic laws by showing how they are mere efficacious interpretative models of the market. The pretense to universality arises from the "economistic fallacy" or, rather, from the logical error of confusing two distinct aspects of the economy: the "substantive" aspect which defines the institutionalized relations between humanity's needs and the natural environment, and the "formal" one derived from the logic between means and ends given a scarcity of means.[24] Human needs are part of the human condition, and thus no society can exist without a substantive economy. The supply-demand price mechanism is a modern institution arising from a specific structure difficult to construct and to operate.[25]

The economistic fallacy is, in turn, a function of the development of Western Europe and America in the last two centuries. Human survival is constituted by a system of markets regulated by prices in which exchange implies choice among scarce means. He argues "the formal and substantive meaning of the economy coincide in practice,"[26] nurturing the conviction that there is only one institutionalized mechanism of economic activity in various types of society. This continues the radical critique of the notion of *homo oeconomicus* made in *The Great Transformation*. Polanyi argues that "Adam Smith's suggestions on the economic psychology of primitive man were as false as Rousseau's on the political psychology of the savage. The division of labor, a phenomenon as old as society, arises from the inherent differences between sexes, geography and individual talents, and the presumed disposition of man to

23. As sustained by authors like Pirenne and Sweezey, *op. cit.*
24. Polanyi, *Trade and Markets*, *op. cit.*, p. 297.
25. Polanyi, *The Livelihood of Man*, *op. cit.*, p. 28.
26. Polanyi, *Trade and Markets*, *op. cit.*, p. 298.

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barter, to trade and to exchange is completely apocryphal."[27] The critique becomes even more bitter when discussing Smith's successors. While Marx and Smith are partly "saved" by their ability to locate economic activity within a precise social context, Ricardo, Malthus, and Townsend are violently criticized for their naturalism, i.e., for their pretense to regard economic laws, contingent on a market model, as necessary and universal natural laws. "While the laws governing the economy were gradually discovered, these laws were placed under the authority of nature herself. The law of decreasing returns was a law of plant physiology, the Malthusian law on population reflected the relationship between the fecundity of man and the fertility of the soil."[28] Food production constituted the natural limit over which human beings could not reproduce. Thus, in Townsend's tale of goats' and dogs' hunger became the single regulatory criterion in a society of "free" individuals.

According to Polanyi the dominant economic paradigm does not see economic laws as human laws. To reintegrate society we need to move beyond the boundaries of economic thought. Marx moved in the right direction but, because of his close adherence to Ricardo and the liberal economic tradition, he remained within the economic paradigm. The priority of society, however, can be found in the works of Owen, one of Polanyi's favorite authors, and in the classics of the sociological and anthropological traditions. With a typically intellectual overvaluation of the influence of ideas in political and economic decisions, Polanyi's critique of the economistic fallacy held economists directly responsible for the rise and fall of liberal capitalism. He was especially severe with neoclassical economists like Mises, Hayek and Robbins, and liberal sociologists and opinion leaders like Spencer, Sumner and Lippman, who sought to revitalize a system already in crisis by considering protectionism an "anti-liberal conspiracy" hostile to the market. Polanyi saw all this as an expression of social self-defense.[29]

Polanyi was critical not so much of the categories of economic analysis as of their general ideological framework:[30] utilitarianism, individualism, rational formalism, and ahistorical naturalism. For Weber and Sombart rationalism, individualism and the acquisitive spirit constituted the fundamental values of bourgeois culture. Naturalism came about as a result of the conscious attempt to establish the autonomy of the economic sciences by adopting the methodology of the natural sciences. While Polanyi recognized the importance played by these cultural orientations, he emphasized the negative influence of their concept of the self-regulating market and subordination of society to the economy.

In the works following *The Great Transformation*, Polanyi developed his critique of economic theory through the distinction between substantive economy

27. Polanyi, *The Great Transformation*, *op. cit.* p. 58.
28. *Ibid.*, p. 158.
29. *Ibid.*, pp. 181-182.
30. Cf. Salsano's "Introduction," *op. cit.*, p. XXIII.

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which satisfies needs and formal economies of means-rationality. He did this by analyzing the role played by the economy in primitive societies and ancient empires. This is particularly clear in *The Livelihood of Man*. He attributes the distinction between formal and substantive economies to Karl Menger, and supports it through concepts such as choice, scarcity of resources, and insufficient means. He compared the famous first edition of Menger's *Principles of Economics* (1871) with the incomplete second edition published posthumously (in 1923),[31] and ignored by the economic profession.[32] Menger had reflected at length on the fundamental definition of economics, and formulated it in the first edition as the "discipline which must occupy itself with the allocation of scarce resources aimed at providing for human subsistence." Menger took into account the sociological critique of utilitarian motivation, the existence of great civilizations free of market systems, and anthropological research on the existence of primitive cultures with productive systems not aimed at profit. He concluded that the two elementary tendencies of the economy, derived from both the insufficiency of means and the physical requirements of production, can exist independently of one another.[33]

Polanyi also struggled to demonstrate that choice does not necessarily imply scarcity, nor does a lack of means necessarily imply choice. The attempt to maximize satisfaction through the use of insufficient means is not restricted to the economy, even though human subsistence necessarily implies a choice. But choice and means in Polanyi's concept of the economy cannot be confused. He goes out of his way to show how various institutionalized forms of economic activity differ from the means-end model. More specifically, he seeks to demonstrate that the market-money-price complex which finds expression in law through private property, free contract, and an economizing culture "was absent and played a subordinate role during the great part of human history."[34]

Analysis of the economy as an institutional process is necessary not only to understand (without ethnocentric biases) the diverse experiences of liberal capitalism, but also to comprehend the specific problems of contemporary society. The solution of the crisis of a self-regulating economy requires correcting the distortions produced by the economistic fallacy. Polanyi's criticisms of liberal economists do not center on the content of their theories or in their ability to explain the economy of a particular period, (i.e.,19th century competitive capitalism), but rather on their ethnocentric pretense to apply these

31. Karl Menger, *Principles of Economics* (New York: NY University Press, 1981).

32. See Fredrick A. Hayek's "Introduction" to Karl Menger, *Principles of Economics*, (London: London School of Economics, 1923); Frank H. Knight, "Introduction" to *Principles of Economics* (Glencoe: Free Press, 1959); Lionel Robbins, *An Essay on the Nature and Significance of Economic Science* (London: Macmillan, 1935).

33. Polanyi, *The Livelihood of Man*, *op. cit.*, p. 46.

34. See Pearson's "Introduction" to *The Livelihood of Man*, *op. cit.*, p. XXX.

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theories outside their limited historical context to both past and contemporary economies.

As Pearson argues, this critique of the economic fallacy can be considered a variant of the debate over the universal validity of formal economic and rational action theory advanced by Weber, Pareto and others. The problem of the validity and universality of economic rationality as a constant in human behavior is not limited solely to economic activities but extends to politics and family relations, as in the works of Downs, Olson and many others.[35] It includes also the problem of the property of the categories of formal economic theory in offering an exhaustive model of different types of economy and of society-economy relations.

Polanyi seeks to show that economizing principles are not universal. The analysis of commerce, money and markets, which easily expose the assumptions behind economic models, demonstrates that "interpersonal relations based on giving and receiving are typically incorporated in a vast network of social and political obligations which permit individuals to maximize the economic advantages obtained in these relations." Moreover, they open the way for an elaboration of a theory of "appropriative movements" of the factors of production.[36] This critique attacks both the general principles of formal economic theory, i.e., utilitarian individualism and ahistorical naturalism, as well as its postulation of *homo oeconomicus*, who rationally chooses among limited alternatives under conditions of scarcity. Polanyi, however, does not question the logical coherence of classical economic theory, nor its heuristic value in describing 19th century liberal capitalism. Here, however, his distinction between the two meanings of the economy appears misplaced, even though his attack on economic theory's pretense of universality may be legitimate. The weakness of formal economic theory explaining economic processes in pre-industrial and contemporary post-liberal society. The validity of this theory is historically contingent, particular to liberal capitalism. The success of the self-regulatory market as regulatory mechanism impeded an appreciation of the latent contradictions of the liberal system, blocking the search for institutional alternatives able to overcome these contradictions.

But Polanyi's negative evaluation can only be partially accepted. The postulates and the fundamental categories of classical and neo-classical economics are vital in the work of economists such as Keynes, who offer convincing explanations of the post-liberal economy. Also, the empirical evidence for the absence of the profit motive and the principle of least effort in pre-industrial societies is not overwhelming. Utilitarian ratio- nality as a paradigm has been successfully applied to both the distribution and production of goods, and

35. Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957); Mancer Olson, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1960).

36. Pearson, "Introduction," *op. cit.*, p. XXXII.

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and political or family relations. The "economic theory of democracy" conceives of politics as a system which produces values through policies, where voters act rationally to the extent that, either directly or through their representatives, they are able to evaluate the effects policies have on their interest.[37]

At this point we can reach two provisional conclusions. On the one hand, the formal economic model resonates within the more general paradigm of utilitarian rationality. As such, it constitutes one of the fundamental paradigms in the analysis of human behavior, not only in the economic sphere but also in other spheres, from making love to making war. This applies not only to 19th century liberal capitalism but also to preceding and subsequent periods. On the other hand, this paradigm hardly permits the construction of exhaustive models to explain economic or other types of behavior, nor to explain the relation between society and the economy. A strict adherence to this model, therefore, precludes the possibility of understanding the variety of historically contingent situations and of confronting the problems raised by capitalist development. Based on these limitations, the most constructive contribution Polanyi or any other social scientist can offer is critiques of the formal economic paradigm. Furthermore, Polanyi's critique can transform the postulates of formal economics and render them less abstract and more consistent. This is exactly what Polanyi did with his attempt to construct a theory of transactions and of types of integrated economies.

Comparative Anthropology and Economic Integration

Inspired by Polanyi, a wide-ranging research project on primitive and ancient societies sought to demonstrate the existence of institutionalized mechanisms which integrated the economy in ways different from the self-regulating market and to prove the need for categories different from the supply-demand-price framework. Indeed, the most interesting theoretical result of this research is the concept of the economy as an institutionalized interactive process between humanity and its environment which gives life to a continuous flux of material means for the satisfaction of needs.[38] Persons, material means, capital, and technical knowledge, all contribute to production and must move from one part of society to another. The product of this activity must also be redistributed among the members of society.

The social organization of appropriation thus constitutes the institutional matrix which organizes economic relations among people and defines the place of the economy within society. In other words, it determines the social

37. Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Row, 1975), chapters XXI, XXII, XXIII; Downs, *An Economic Theory of Democracy*, *op. cit.* For a critical analysis of this theory, see Alessandro Pizzorno, "Sulla Razionalità della Scelta Democratica," in *Stato e Mercato*, (April 1983), 7.

38. Polanyi, *Trade and Markets*, *op. cit.*, pp. 302-303.

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conditions under which individual motivations arise and the ensemble of rights and obligations which control the transaction of people and goods in the economy.[39] The human economy is thus inserted and engaged in natural economic and non-economic institutions which confer on these processes their unity and stability. The presence of non-economic institutions is decisive here. Religion and government are no less important than monetary institutions or factories.[40]

The analysis of the way in which concrete economic systems are institutionalized, i.e., acquire stability and unity, takes place through a typology which identifies three fundamental modes of integration: reciprocity, redistribution, and exchange (the fourth mode, domestic economy as discussed in *The Great Transformation*, was abandoned.) For Polanyi, these terms do not refer to simple aggregates of individual behavior but rather to structures which define the types of institutional sanctions regulating relations among economic actors. These structures entail various forms of distribution in space: "Reciprocity indicates correlated transactions between symmetrical groups (principle of symmetry); redistribution indicates appropriative transactions from a center towards successive points (principle of centricity); exchange refers to transactions between two 'hands' in a market system."[41]

These three forms of integration also identify the different types of institutional sanctions which regulate relations among economic actors and, in turn, determine behavior generally present in other social spheres. For example, sanctions against deviant sexual behavior are especially strong since they extend to the entire social life of the individual because "reciprocity concerns above all the sexual organization of society, that is, the family and kinship networks" while redistribution is more territorial.[42] In general terms, reciprocal relations among people integrate the economy only if symmetrically organized structures like a clan system exist. Similarly, acts of redistribution presuppose the existence of a political center able to accumulate and allocate resources, while exchange relations based on prices exist only where markets regulated by prices exist. Each of these three forms identifies principles of social organization and transactions which can be applied to ample and heterogenous social behavior, including: "the tacit mutuality typical of direct affective relations (within the family, friendship group, community, etc.); rational control of formal rules and central authority aimed at collective ends; and the economic rationality of personal intersts in exchange relations." In other words, these forms constitute the social,

39. Pearson, "Introduction," op. cit., p. XXXIV.
40. Polanyi, *Trade and Markets*, *op. cit.*, p. 305.
41. *Ibid.*, p. 306.
42. Polanyi, *The Great Transformation*, *op. cit.*, p. 63. In his Introduction to *Primitive, Archaic, and Modern Economies* (Boston: Beacon Press, 1971), George Dalton advances an unconvincing framework of the social relations typical of the three modes of transaction. See p. XII.

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political, and economic principles of the social order.[43]

Polanyi's typology leaves open which types of integration dominate in different historical periods, what their temporal sequence is, and how the transition from one mode to another occurs. He clearly states that "the forms of integration do not represent 'stages' of development and do not imply any temporal sequence, and that, alongside the dominant mode, other secondary forms can exist, and the same dominant mode can reappear after a brief period of temporary eclipse."[44] Modes of integration are, therefore, closer to Weberian ideal-types than to Marx' modes of production or the Schumpeterian distinction between static and dynamic models of the economic system. As previously indicated, Polanyi does not consider market capitalism the result of a historical process of capital accumulation and of the liberation of the labor force, nor of the expiration of entrepreneurial creativity, but rather as a historical situation in which the self-regulating market is dominant. His firm refusal to develop a sequence of stages comes from his fear of presenting liberal capitalism as a "higher" stage of human development; but Polanyi ends up falling victim to a bias in the opposite direction, i.e., he considers a society dominated by exchange relations anomalous, and he "idealizes" societies dominated by other modes. Despite his emotional oppositions to market society, his position is superior and more modern than various more evolutionary frameworks. He sustains the reversability of modes of economic integration, which appear dominant in a particular period, and illustrates the continuous reemergence of other social modes, particularly reciprocity, even in situations characterized by utilitarian individual behavior.

To his critics,[45] Polanyi's typology remains an essentially static model,[46] unable to explain the transition from one mode of integration to another. North sought to integrate Polanyi's typology with an analysis of "transaction costs" or, rather, the costs sustained by clearly defining and enforcing the property rights of goods and services which, in turn, represent an essential condition for the formation of prices in a self-regulated market.[47] Any time the transaction costs exceed the benefits, the allocation of goods and services occurs in ways different from the market-money-price model. Illustrative of this are public goods, which can be better allocated through redistributive arrangements. North's essay, intended as a defense of Polanyi, in fact sheds light on one of the major limitations of Polanyi's contribution,[48] i.e., the failure to distinguish between different types of goods and services allocated, the character they assume

43. Pearson, "Introduction," *op. cit.*, p. XXXVII.
44. Polanyi, *Trade and Markets*, *op. cit.*, p. 313.
45. *The Livelihood of Man*, *op. cit.*, p. XXXIII.
46. Gian Primo Cella, "Reciprocità, Ridistribuzione, Cambio. Note su Karl Polanyi" in *Stato e Mercato*, (April 1985), 13.
47. Douglas C. North, "Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi" in *The Journal of European Economic History*, 3.
48. Cella, *op. cit.*, p. 107.

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in different modes of integration, and the combination of reciprocity, redistribution and exchange which commonly appear in different historical situations.

Conclusions

I have criticized Polanyi's organic and holistic concept of society, the static nature of his typology of forms of integration, and the absence of a distinction between different types of goods subject to transactions.[49] He also underestimated the degree of complexity of the societies he studied. The "circle" of the Melanesian Islands was a social system of notable complexity, as was the Babylonian Empire. But neither society is as complex as today's world economy. Polanyi's underestimation of complexity prevented him from grasping the relevance of the market as a mechanism of coordination and integration in contemporary society. This mechanism can be adjusted and supported but not replaced by the community or the state.

Polanyi's implacable hatred of market society for its negative effects on the human condition becomes a generalized critique of monetary exchange. Thus he did not appreciate the heuristic potential of economic rationality as a paradigm including the advantages of using money in social relations. It also prevented Polanyi from acknowledging the negative effects of reciprocity and redistribution. The development of a monetary economy was a precondition for the passage from feudal and patrimonial arrangements to rational-legal bureaucracy. Wherever the neutrality and objectivity of monetary relations is absent, favoritism, nepotism, arbitrary preferences and privileges emerge more often than solidarity. The payment of a price, by definition, implies the extraction of an obligation; the attainment of a favor, instead, entails future requests in return for the favor.

Generally, Polanyi undervalues the positive aspects of the market economy, such as the propelling forces of competition and the motivational incentives of the effort-reward nexus. Similarly, by mystifying pre-industrial society, which at times assumes romantic religious connotations, problems emerging from reciprocal and redistributive arrangements and from their possible degeneration are obscured. Thus, in the case of reciprocity, serious motivational problems among individuals and particular groups can emerge when the conditions for rigorous symmetry and the social sanctions against those who do not do their proper job subside. In other words, reciprocity can degenerate into "exploitation" by certain members of the group who refuse to cooperate and who, in the absence of an effort-reward system, obtain advantages from the work of others just the same.

In the case of redistribution, Polanyi overlooks problems resulting from the centralization of power, which this mode of integration promotes. Redistribution

49. I disagree with Grendi's criticisms of Polanyi for crude use of terminology and for passing over important periods like the Middle Ages. See Edoardo Grendi, *Polanyi, Dall'Antropolgia Economica alla Microanalisi Politica* (Milan: Etas, 1978).

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can, in fact, degenerate into arbitrary despotism and autocratic centralization. It can also encourage the development of paternalistic attitudes which do not respect the autonomy of the recipients of redistributed goods and create patron-client networks.

Furthermore, Polanyi had a limited sensibility for the more political dimensions of these problems. Questions of the legitimacy of power, the formation of consensus, the tension between government decisions and representation, in short, the basic problems of modern democracies, were of little concern to him. For example, from the "great transformation" of the second half of the 19th century, he systematically analyzed the impact of the self-regulating market but ignored almost completely the bourgeois democratic revolutions and the general extension of political citizenship. Yet Polanyi's critique of evolutionary and monocausal models which portray the market economy as the natural product of human history and of utilitarian exchange as the regulator of different social relations *par excellence* is crucial. His work is relevant to the present debate concerning the crisis and reform of the welfare state, which he considered an attempt to reincorporate the economy within the boundaries of society,[50] and the growing importance of the informal economy in all advanced industrial nations. Thus Polanyi, like Titmus, Hirsch, Arrow, Sen, Hirschmann and Pizzorno,[51] presents a convincing alternative to the apologists of the market and neo-utilitarianism, as well as to advocates of planned economies.

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50. Dalton, "Introduction," *op. cit.*, p. XXIII.

51. See R. M. Titmus, *The Gift Relationship* (London: Allen and Unwin, 1970); Fred Hirsch, *Social Limits of Growth*. Kenneth Arrow, "The Future and the Present in Economic Life" in *Economic Inquiry*, Vol. 16, (1978), A. K. Sen, "Rational Fools: A Critique of the Behavioral Foundations of Economic Theory" in *Philosophy and Public Affairs*, Vol. 6, 1977; Albert O. Hirschmann, *Exit, Voice, and Loyalty* (Cambridge: Harvard University Press, 1970); and *Shifting Involvements: Private Interest and Public Action* (Princeton: Princeton University Press, 1982), and Alessandro Pizzorno, "Sulla Razionalità della Scelta Democratica," *op. cit.*

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On the Relation of State and Market

Jean-Jacques Gislain

The dichotomy between state and market is rooted in the old framework of liberal thought, split between Hobbes and Rousseau, and Hegel and Locke. It is a division between a representation of the sovereign state resulting from the original social contract and/or the evolution toward the objectification of the absolute spirit on the one hand, and on the other, a representation of the "natural market" spontaneously born from human nature, which pushes those solitary individuals who are the only natural legitimate proprietors of the fruits of their own labor "to truck and barter," ensuring these Robinson Crusoes a maximum satisfaction and the optimal allocation of their resources. It is this naturalist philosophy of the sovereign state which grounds the recent neo-liberal offensive against the state now accused of having transgressed its "strictly" political role of legally guaranteeing freedom of exchange and smooth functioning of the market.

Current neo-liberal discourse praises the virtues of the old self-regulating natural market and seeks to revive it by dressing it up in the tinsel rags of the "new" monetarist theory, which has replaced the old quantitative theory of money (the "new" supply theory, which itself replaced the theory of market sales). This liberal ideological hegemony distorts the current debate on the relation between state and market. Even socialists and Marxists, who traditionally did not dissociate market and state, seem to have accepted the new premises of the debate.

Paradoxically, many socialists and Marxists have entered the debate between partisans and opponents of state intervention. In seeking to preserve social entitlements and state guarantees against the misdeeds of "wild capitalism" (as though the state were above the struggle), these theorists have become staunch defenders of state capitalism. Although, up to very recently, it was treated as another "bourgeois theory" at the service of state monopoly

* A longer version of this article has appeared in French in *Interventions Economiques*, (Winter 1987), n. 1, pp. 53-68. Translated by John Mason.

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capitalism, for many orthodox Marxists Keynesianism has become an obligatory step paving the way toward state socialism.

Beyond the liberal ideological hegemony, this capitulation by Marxist thought should be sought first in the foundations of orthodox Marxist theory itself. The Marxist analysis of the state and the market within capitalist social formations is helpful in elucidating the role of the state in the simultaneous reproductionof, on the one hand, social relations necessary for the smooth functioning of the market and, on the other, social relations of protection necessary for the accumulation of capital. Orthodox Marxist analysis, however, ceases to be useful when it is no longer a matter of the instrumental role of the state in the service of capitalist economy "in general," but of understanding how both state and market develop historically. Contemporary orthodox Marxist analysis attempts either to reduce the state/market relation to an economic relation or, even more simply, to reduce this relation to an instrumental one where the state is objectively at the service of monopoly capital.[1]

Unfortunately, both conceptions fail when they try to account for historical transformations of the state/market relation. Defending the thesis of the subordination of the state to market forces makes it difficult to explain how the state can take the initiative in regulating the market and how it is possible to move toward a new radical form of social organization. Bogged down with the assumption of the subordination of the state to the market, it is almost impossible to understand how the state could precipitate a reformist transformation of market conditions and how political revolution could permanently subvert market forces.

Here orthodox Marxist analysis has not only joined liberal thought in making the state instrumental to market relations; it also joins neo-liberals in regarding the state as having harmful consequences for the market. Whereas for liberals the state is harmful because it interferes with the free competitive market, for Marxists it is harmful because it perpetuates the evils of the capitalist economy.

The so-called "derivation" and "regulation" schools have reinforced the Marxist analysis by ascribing to the state a central role in the determination of market regulation. The state becomes the key player rather than a subordinate. Thus, the theorists of regulation[2] show how in each of the two historical phases of capitalism — the first culminating in the Great Depression and characterized by "extensive accumulation;" the second continuing until now and characterized by "intensive accumulation" — the state has played the

1. See Paul Boccara, *Etudes sur le Capitalisme Monopoliste d'Etat* (Paris: Editions Sociales, 1974).

2. See Michel Arglietta, *Régulation et Crises du Capitalisme* (Paris: Calmann-Lévy, 1976); Robert Boyer and J. Mistral, *Accumulation, Inflation et Crise* (Paris: P. U. F., 1978); for a simple presentation of the formal model, see Jean Herve Lorenzi, Olivier Pastre, Joelle Toledano, *La Crise du XXe Siecle* (Paris: Economica, 1980).

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decisive role in the "competitive regulation" of the first and the "monopoly regulation" of the second. But these theorists hesitate to embrace the full implications of their own historical analysis.

The relation between state and market is particularly clear in the case of monopoly regulation. The state turns out to be the only institution capable of generating the social conditions necessary for effective distribution and accumulation. In the case of competitive regulation, the "regulation" school regresses to the old Marxist model of subordinating the "bourgeois" state to capitalist market forces. It holds on to the trans-historical framework which sees the market as the mercantile capitalist economy, and the state as regulating the system. As a consequence, it privileges market forces over state regulation. At any rate, this school demonstrates that, while during the postwar period the market has been maintained as the dominant institution in the social organization of commodity circulation, it has been at the price of a growing intervention by the state.

Here, Polanyi's *The Great Transformation*[3] is fundamental. The reason is not only that it shows the *historical* character of the market, but also because it indicates what can be considered a market and links this to the different institutional and historical forms of the state. By defining each historical type of market, Polyani strips it of its status as a reference institution always logically prior to the state. In so doing, he avoids the theoretical prejudice common to liberal and Marxist conceptions. *The Great Transformation* also shows that it is absolutely essential to differentiate the successive types of markets in the West, the first being the medieval non-competitive market — the neighborhood market — and the inter-city, long-term export market.[4] These markets were located in the great medieval urban centers and had the double particularity of being subject to intense surveillance by the urban authorities representing corporate and commercial oligarchies, and of being outside the dominant domestic economy in the broad sectors of the medieval economy. The second was the regulated market from the 15th and 16th up to the 17th and 18th centuries, which did not integrate either labor or land but, concerning all other commodities, was enlarged to encompass national territories. Third was the 19th century self-regulating market, which was generalized to the totality of economic activity by the creation of labor markets and markets in land and currency (which did not exist in a pure state except in England between 1834, the year of the amendment of the poor law, and 1870, the year of the recognition of unions). It was also the result of the will of the liberal state to institute the "market society"[5] as the (utopian) institutional form of social regulation.

3. Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1967).
4. *Ibid.*, p. 92.
5. *Ibid.*, p. 201; Karl Polanyi shows that as an economic dogma of the 19th century, "Laissez-faire itself (with its three principles: a competitive labor market, the gold standard, and international free-trade) was imposed by the state." *Ibid.*, p. 189.

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Finally, following the "great transformation" constituted by the great reversal of the 1930s, there came into being the re-regulated market, particularly concerning labor, real-estate, and currency markets. These markets were the result of the state becoming interventionist in order to mitigate, by means of various kinds of social and national protectionisms, the social disaster brought about by the "market society."

As Polyani shows, the term "market" does not always cover the same institutional reality. Its meaning is determined by the epoch. In fact, its meaning is frequently a function of state action when states are confronted in particular historical contexts with the institutional need to impose a new economic order.[6] In these conditions, different historical types of markets cannot be analysed except in relation to the types of *state* which have fashioned and administered them.

Thus the post-WWII swelling of the state and shrinking of the market cannot be analysed either as the consequence of the recklessness of public officials supposedly driven to break market mechanisms, nor as the result of the will of these officials to defend the general interest against special interests, nor as a conspiracy by these same officials to maintain, at whatever cost, the viability of monopoly capital. Rather, it is the carrying out of a temporary solution in a given historical moment. It establishes a new kind of regulated market which preserves the foundations of the existing social order, and pragmatically builds through its central organizing institution the base of a minimum national consensus: the state becomes the welfare state.

This does not mean that the state is neutral in the sense that it is "above" social institutions and "beyond" all markets. Nor does it mean that the state is "transparent" in the sense that it is independent of all political content concerning the defense of the special interests of its functionaries. Further, it is not even a matter of denying the importance of the "forces" in each historical type of market and which can constrain the state. On the contrary, because all these social struggles converge in each historical type of state, the latter is

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6. Ferdinand Braudel, *Civilisation Matérielle, Economie et Capitalisme, XVe - XVIIIe Siécles*, Volume 2, "Les Jeux de l' Echange," (Paris: A. Colin, 1979), p. 494. To realize the kind of conceptual confusion the Braudelian problematic can create, see Immanuel Wallerstein, "Braudel on Capitalism and the Market," and Paul Sweezy, "Comments," *Monthly Review* (February 1986). In the same vein, by failing to clearly differentiate historical types of markets in relation to their respective historical type of state, Pierre Rosanvallon proposes a typology of spatial models of the historical constitution of the market economy. "In the French model, the market is in large part a product of the state . . . . In the Italian or German models, the market economy is set up without state aid. The English model appears as a sort of equilibrium point between the French and German/Italian model." See Pierre Rosanvallon, *Le Capitalisme Utopique* (Paris: Editions du Seuil, 1979). These models, if not completely erroneous, assume the viability of one "model" (non-competitive? regulated? self-regulating?), and reduce the state solely to the nation-state despite the importance of the role of city states.

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the central organizing institution responsible for maintaining social order and its power is not subordinated to immanent market forces.

The state guarantees social order. The problem, therefore, is not whether a particular state should or should not intervene, but *how* it intervenes and, if the context requires it, how it will bring about a new social order. In all these cases the state must maintain civil peace on the basis of a minimum social consensus, while bringing about a new economic organization to insure economic growth. In renegotiating the economic order, the state must redefine the rules of the game concerning the functioning of economic organization if it wishes to maintain itself as a constituted power. This redefinition of rules is the fundamental stake in politics. The state is the focus of these struggles, and there are no *a priori* constraints, either as laws of the market or as laws of history. Here, the strongest force of all is the will of the state to retain power, even if doing so requires it to establish a new type of market.

Under these political conditions, the state is neither automatically subordinate nor systematically hostile to market forces. In its role, the state disposes of a margin to maneuver which permits it to enlarge or to restrain, to reinforce or to modify what it has itself helped to create — a historical type of market. As a result, in the current socio-economic context of crisis the state is forced to redefine the institutional framework needed for reestablishing economic order. The question, therefore, is what new historical relations between the new state and the new market should be developed.

Several tendencies are already identifiable. In the management of the work force, the new state policy moves in the direction of privatization and massive reduction of the financing of public services (health, education, etc.); selective access to, and a significant reduction of programs of wage support (unemployment insurance, welfare, rent controls); and the partial or total elimination of wage protections (unionization, piece-rates, length and accounting of the labor contracts). These have the objective of formulating institutional conditions for the creation of a new type of labor market in which self-regulation will be assured by offering firms "flexibility" in the mobilization of the work force by the multiplication, individuation, and heightening of the insecurity of labor contracts; and the creation of new kinds of commodity markets and markets for medical, educational, cultural services, social security and income maintainance.

There seems to be a relation between the new social policy (minimal, individualist, non-protectionist in guaranteeing wages, less committed to the public production of social goods and services, and to the *a posteriori* readjustment of social setbacks through minimum wages or social programs) and new markets (a new "flexible" labor market, and markets for social goods and services). One consequence of this social policy is the individuation of access to "social coverage," and subsequent fragmentation of the citizenry in terms of whether they qualify as "deserving cases;" fragmentation of employees in

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relation to the new flexible labor market, and fragmentation of consumers in relation to social goods and services.

In economic activity, policy is towards privatization of the public sector (state companies, trade associations, publicly owned enterprises, mixed ownership firms); deregulation of certain domestic markets; selective support of enterprises according to their economic performance; promotion of national products for foreign export; international renegotiation of the institutional frameworks of transnational exchanges (GATT, free exchange, customs unions, economic communities). These new policies seek to generate the conditions for the creation of new kinds of domestic markets — more competitive and self-regulating but in reality more subordinate to the domination of monopoly capital. This is an important aspect of those denationalized, reprivatized firms (and, above all, of large industrial and financial groups) previously organized and directed by the state, but currently turned over to monopoly capital. Finally, these new policies create new kinds of external markets which result from increasing specialization of national industries aiming at world export. There seems to be a link between the creation of a new economic policy based on disengagement from public productive activity, deregulation and promotion of exports, and the creation of a new type of market — a non-regulated, monopolistic domestic market and a segmented international market.

Within the context of advanced capitalist economies, the state can remold the domestic market in the interest of monopoly capital in order that the latter might constitute a solid national base for investment in new international and transnational markets. Similarly, a new social policy, such as the one outlined above, can be seen as a kind of institutional solution allowing the state to offer monopoly capital flexibility in the management of its work force and a reduction of its social "overhead," as well as new national markets. The new interaction between state and market is immediately visible in social as well as economic policy. The same analysis, however, should be extended to fiscal policy (the reduction of state expenditures, elimination of progressive taxation, etc.) in the management of public agencies to provide a more complete picture of what appears as the outline of a new "great transformation."

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*Polanyi, Braudel, and the King of Dahomey**

Alfredo Salsano

Both Karl Polanyi's posthumously published book, *Dahomey and the Slave Trade*, and his *Trade and Market in the Early Empires* continue a project outlined in *The Great Transformation*, his best known work on "the political and economic origins of our time."[1] This project was to demonstrate the "exceptional" character of the market economy — an economic system controlled, regulated and directed exclusively by the market of goods and services, as well as by that of labor, land and money.[2] The last chapter of *The Great Transformation* explains Polanyi's use of anthropological observations to supplement the usual methods used by economic historians. It also indicates the theoretical objectives of his thinking and how they could be applied: "The tendency to barter, on which Adam Smith so confidently relied for his picture of primitive man, is not a common tendency of human beings in their economic activities, but a most infrequent one. Not only does the evidence of modern anthropology give the lie to these rationalistic constructs, but the history of trade and markets also has been completely different from that assumed in the harmonistic teachings of 19th century sociologists. Economic history reveals that the emergence of national markets was in no way the result of the gradual and spontaneous emancipation of the economic sphere from governmental control. On the contrary, the market has been the outcome of a conscious and

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* An earlier draft of this article has appeared as the "Introduction" to the Italian translation of Karl Polanyi's *Dahomey and the Slave Trade: An Analysis of an Archaic Economy*.

1. On the origins of Polanyi's interest in Dahomey, besides those indicated by Paul Bohannan and Polanyi himself in *Dahomey and the Slave Trade* (Seattle: University of Washington Press, 1966), see the preface by Karl Polanyi and Ch. Arensber to the volume they edited together with Henry W. Pearson, *Trade and Market in the Early Empires* (Glencoe: The Free Press, 1957). In "Notes on the Life of Karl Polanyi," published in another posthumous volume, his wife Ilona Duczynska confirms that the Dahomey study was begun in 1949 and adds that Polanyi gave it its definitive form in the winter of 1962. See Karl Polanyi, *The Livelihood of Man* (New York: Academic Press, 1977). According to Dalton "most of the research for *Dahomey and the Slave Trade*, 1966, was done in 1950." (Cf. George Dalton, "Karl Polanyi's Analysis of Long Distance Trade and His Wider Paradigm," in Jeremy A. Sabloff and Charles C. Lamberg-Karlovsky, eds., *Ancient Civilization and Trade* (Albuquerque: University of New Mexico Press, 1975), p. 116.)

2. Polanyi develops this definition in chapter VI of *The Great Transformation* (Boston: Beacon Press, 1967).

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often violent intervention on the part of government which imposed the market organization on society for noneconomic ends."[3]

This argument was developed in the late 1940s, when Polanyi claimed that the "discoveries of primitive economics" proved that "man's economy is, as a rule, submerged in his social relations."[4] Polanyi's article on "Our Obsolete Market Mentality" provides a masterly synthesis of his earlier positions. It defines liberal economy and the transformation of labor and land into commodities as a violent break with the past. It also reiterates his rejection of the concept of an "economic sphere" separate from other social institutions inevitably resulting in the emergence of a utilitarian mentality. As for the motives of economic behavior, there was no difference between primitive and civilized society before the advent of that "sociological monstrosity," the market economy: "Whether we turn to ancient city-state, despotic empire, feudalism, 13th century urban life, 16th century mercantile regime, or 18th century regulationism — invariably the economic system is found to be merged in the social. Incentives spring from a large variety of sources, such as custom and tradition, public duty and private commitment, religious observance and political allegiance, judicial obligation and administrative regulation as established by prince, municipality, or guild. Rank and status, compulsion of law and threat of punishment, public praise and private reputation, ensure that the individual contributes his share to production."[5]

Polanyi's later work projects the arguments of *The Great Transformation* beyond the bounds of Western history. In his discussion of formal economic concepts such as trade, money and market in the context of primitive economies, he emphasized the essentially contemporary and political aim of his research: "the market cannot be superseded as a general frame of reference unless the social sciences succeed in developing a wider frame of reference to which the market itself is referable."[6] According to Polanyi, the "discovery

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3. *The Great Transformation*, *op. cit.*, p. 250. Cf. also the references to anthropological literature in particular in chaps. V, XIII, and XIV. On the importance that the reference to Thurnwald will continue to have for the formulation of the principle of reciprocity and redistribution, see J. Köcke, "Some Early German Contributions to Economic Anthropology," in *Research in Economic Anthropology* II, (1979), pp. 156-58.

4. Karl Polanyi, "Our Obsolete Market Mentality," in *Commentary*, III (February 1947), p. 112, republished in George Dalton, ed., *Primitive, Archaic, and Modern Economies: Essays of Karl Polanyi* (Garden City: Doubleday, 1968). See also his paper read at a conference in August 1946, "On Belief in Economic Determinism," in *The Sociological Review* XXXIX (1947), I, p. 98.

5. Polanyi, "Our Obsolete Market Mentality," *op. cit.*, pp. 112-113.

6. *Trade and Market*, *op. cit.*, p. 27. Polanyi uses the term "catallactic" to refer to the political economy as a "science of exchanges." "Viewed as an exchange system, or, briefly, catallactically, trade, money and market form an indivisible whole. Their common conceptual framework is the market. Trade appears as a two-way movement of goods through the market, and money as quantifiable goods used for indirect exchange in order to facilitate that movement. Such an approach must induce a more or

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of society" is the key solution to the problem of such an analysis.[7]

Why did Polanyi develop this broader frame of reference by investigating primitive economies and not of Western history before and after the exceptional phase of liberal capitalism? Braudel remarked that Polanyi's strategy is something like "bringing in Lévi-Strauss when talking about a Victorian wedding."[8] At any rate, whatever the subject of Polanyi's study — Babylon, ancient Greece, or Dahomey — the central issues are always the ones outlined in *The Great Transformation*. One cannot therefore examine them abstractly and make comments such as those of an allegedly highly qualified reviewer of the book on Dahomey who, clearly irritated by "the standard bearer and mentor of a substantial school of economic anthropologists," wondered "how much economic anthropology Polanyi was aware of."[9] The author of a recent account of the economic history of Dahomey dismisses Polanyi's book as an attempt to apply concepts of economic history "which spring in turn from his utopian socialist views — a way of working out his reaction against industrial capitalism . . ." and the interpretation of the slave trade in the gulf of Benin as "distorted and ahistorical, perhaps as a result of too great a determination to demonstrate that social institutions have primacy over economic forces."[10]

Academic approaches cannot appreciate Polanyi's clearly utopian view of society and human relations freed from the utilitarian restraints of modern economy. Polanyi's message can only be fully understood in reference to concepts which, beyond historical and anthropological reconstruction, have an ethical dimension. The book on Dahomey must be seen against the background of Polanyi 's way of dealing with markets. Its merits and shortcomings are essentially those of Polanyi as the historian of the "rise and fall of the market economy."[11] This does not mean that one can ignore his objectives or the book's "scientific" contribution, even though it was almost entirely based on secondary

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less tacit acceptance of the heuristic principle, according to which, where trade is in evidence, markets should be assumed, and where money is in evidence trade, and therefore markets, should be assumed. Naturally, this leads to seeing markets where there are none and ignoring trade and money where they are present, because markets happen to be absent. The cumulative effect must be to create a stereotype of the economies of less familiar times and places, something in the way of an artificial landscape with only little or no resemblance to the original." *The Great Transformation*, *op. cit.* p. 257.

7. Cf. *The Great Transformation*, *op. cit.*, chap. XXI.

8. Cf. Ferdinand Braudel, *Civilisation matérielle, économie et capitalisme, XVe-XVIIIe siècles*, II, *Lex Jeux de l'échange* (Paris: Colon, 1979), p. 195.

9. Cyril S. Belshaw, review of Karl Polanyi, *Dahomey and the Slave Trade*, in *American Anthropologist* LXX, 2 (April 1968), p. 369.

10. P. Manning, "The Slave Trade in the Bight of Benin, 1640-1890," in Henry A. Gemery and Jan S. Hogendorn eds., *The Uncommon Market: Essays in the Economic History of the Atlantic Slave Trade* (New York: Academic Press, 1979), pp. 132-33; Id., *Slavery, Colonialism and Economic Growth in Dahomey, 1640-1960* (Cambridge: Cambridge University Press, 1982), p. 42.

11. This is the title of Part II of *The Great Transformation*.

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sources and is now partially superseded by the development of quantitative historical research.[12] In any case, one must consider the historical context of the early 1950s when the book was written and originally discussed.

The book on Dahomey is based on the opposition between traditional modes of transaction (redistribution, reciprocity, household economy, exchange in isolated markets) and foreign trade — the slave trade. This opposition contraposes African society, where all relations are regulated by the king, to the mercantile world. The latter can exert pressure only in the port of trade of Whydah and along the sharply defined and supervised routes which link it on certain occasions to the capital and the royal court.[13] Polanyi maintains that this is an institutional device which prevents the economy from becoming independent of society, thus destroying the social fabric. His reconstruction draws a clear distinction between isolated markets compatible with traditional forms of social integration, and long distance trade. According to the scheme elaborated in *Trade and Market*, Rosemary Arnold related the case of Whydah to "trade" and to the "market."[14] Against today's quantitative historians, Polanyi denies the existence of a market system in Dahomey in the modern economic sense of the term.[15]

In spite of, or perhaps because of its conflict with the current mainstream economic and social history, Polanyi's book on Dahomey continues to pose an important though not fully explored problem. Polanyi tried to dissociate exchange from the self-regulating market identified with capitalism. This brought him into conflict with liberal economists and, more generally, with the "economistic" bias of the social sciences. His later works should be placed in the context of early post-WWII debates, when planning or even state intervention as such were still being resisted by liberals such as Ludwig von Mises

12. Polanyi relied in particular on Melville J. Herskovits' monograph *Dahomey, an Ancient West African Kingdom* (New York: Augustin, 1938), 2 Vol. For recent research see Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison, 1969); Anthony G. Hopkins, *An Economic History of West Africa* (London: Longman, 1973), and Gemery and Hogendorn eds., *The Uncommon Market op. cit.*

13. The key concept of "port of trade" is elaborated in part III of *Dahomey and the Slave Trade*, and in chaps. IV, VII, VIII, and IX of *Trade and Market*, *op. cit.*) See also Sarah C. Humphreys, "History, Economics, and Anthropology: The Work of Karl Polanyi," in *History and Theory* VIII (1969), 2, pp. 191-96, and in particular her observation that, notwithstanding that Polanyi's insistence on the restrictions surrounding the "ports of trade," is justified, "many aspects of the problem have to be studied before we can see how far these restrictions reflect a fear of, or instinctive reaction against, the beginnings of a disembedded economy" (p. 193): The essay is republished in Sarah. C. Humphreys, *Anthropology and the Greeks* (London: Routledge and Kegan Paul, 1978).

14. Cf. chaps. VIII and IX respectively: "A Port of Trade: Whydah on the Guinea Coast," and "Separation of Trade and Market: Great Market of Whydah."

15. The concept of *économe-monde* is in Ferdinand Braudel's *La dynamique du captialisme* (Paris: Arthaud, 1985), cited in Immanuel Wallerstein's *Historical Capitalism*, (1983).

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and his disciple Friedrich A. Hayek. Polanyi disagreed with Mises, whom he had associated with Walter Lippmann in *The Great Transformation* as the spokesman of liberal reaction to the new protectionist policy of the 1920s and 30s. This disagreement goes back to a twenty year old debate on socialist accounting: "While in our view the concept of a self-regulating market was utopian, and its progress was stopped by the realistic self-protection of society, in their view all protectionism was a mistake due to impatience, greed, and shortsightedness, but for which the market would have resolved its difficulties."[16] Though Hayek was less doctrinaire in *The Road to Serfdom* than von Mises, his "fear of serfdom is the illogical application of economic determinism to a non-market economy."[17]

At the time of the research that lead to *Trade and Market* and *Dahomey and the Slave Trade*, Polanyi felt the most urgent need was to counter the widening influence of Max Weber's concept of economic rationality on American sociology. Two chapters of *Trade and Market* are devoted to criticism of Neil Swelser.[18] Polanyi's observation that the "economistic fallacy" consists "in an artificial identification of the economy with its market form" refers to both Weber's and Parsons' failure to distinguish between the "formal" and "substantive" meanings of "economic": "The substantive meaning of economic derives from man's dependence for his living upon nature and his fellow. It refers to the interchange with its natural and social environment, in so far as this results in supplying him with the means of material want satisfaction. The formal meaning of economic derives from the logical character of the means-ends relationship as apparent in such words as economical or economizing. It refers to a definite situation of choice, namely that between the different uses of means induced by an insufficiency of those means."[19]

Polanyi considers the merging of the two meanings into one concept "a bane to a precise methodology in the social sciences" since it forced anthropologists, sociologists and historians to use "an analytical method devised for a special form of the economy, which was dependent upon the presence of specific market elements."[20] This economistic bias identified exchange and market in an evolutionary or a functionalist vision, both of which took for

16. *The Great Transformation*, *op. cit.*, pp. 141-42. On the debate of the twenties, see *Archiv für Sozialwissenschaft und Sozialpolitik* XLVII, I (April 1920) (von Mises); XLIX, 2 (1922) (Polanyi); LI, 2 (December 1923) (von Mises); and LII, 1 (June 1924) (Polanyi).

17. Polanyi, "On Belief in Economic Determinism," *op. cit.* p. 102; Hayek's book was published in 1944, as was the first American edition of *The Great Transformation*.

18. Cf. chaps. XIV and XV, respectively Terence K. Hopkins, "Sociology and the Substantive View of the Economy" and Henry W. Pearson, "Parsons and Smelser on the Economy."

19. *Ibid.*, p. 243, 270. On the two meanings of "economic," see also chap. II of *The Livelihood of Man*, *op. cit.*

20. *Ibid.*, p. 245. See also the passage from the same essay quoted above in note 6.

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granted the "naturalness" of the market. This vision was incompatible with the "historicity" of the self-regulating market that Polanyi sought to demonstrate by presenting it as historically contingent. The political significance of Polanyi's interest in types of exchanges that did not obtain within the self-regulating market is obvious in the context of the 1950s, when the example of Dahomey and Babylon were quoted by his liberal opponents. As for this "political celebration of Dahomey," it was observed that "Polanyi emphasizes the role of the cultural-political consensus, even the success of planning" dictated by the requirements of wartime economy.[21] This is a curious projection of his political preferences that has not been sufficiently explored. In the late 1930s, during his exile in England, Polanyi was close to guild socialism.[22]

Today, when the rationalizing virtues of the market are almost universally exalted, Polanyi's rejection of it may seem too closely linked to the uncertainties about economic planning in the postwar years devised to counter the market's self-destructive tendencies.[23] Polanyi is conscious of conflicting developments in industrial society: "Some believe in elites and aristocracies, in managerialism and the corporation. They feel that the whole of society should be more intimately adjusted to the economic system, which they would wish to maintain unchanged . . . Others, on the contrary, believe that in a truly democratic society, the problem of industry would resolve itself through the

21. Edoardo Grendi, *Polanyi: dall'Antropologia Economica alla Microanalisi Storica* (Milan: Etas Libri, 1978), pp. 48 and 54.

22. Allen Morris Sievers deals with G. D. H. Cole as a link between Polanyi and Owen, in *The Great Transformation: Has Market Capitalism Collapsed? A Critique of Karl Polanyi's New Economics* (New York: Columbia University Press, 1949), pp. 296-99. Cole (who wrote a preface to *Europe Today*, a booklet by Polanyi published by the Workers Educational Trade Union Committee in 1937) was also the main link with continental "planisme." See Henri de Man, *Planned Socialism: The Plan du Travail of the Belgian labour Labour Party*, translated and prefaced by Karl Polanyi (London: Gollancz and The New Fabian Research Bureau, 1936). Cole also took up a position favorable to the Popular Front and the Soviet Union shared by that circle of Christian socialists with which Polanyi was connected: cf. J. Lewis, Karl Polanyi and D. K. Ktchin eds., *Christianity and the Social Revolution* (London: Gollancz, 1935), and the biographical note by Ilona Duczynska in *The Livelihood of Man*, *op. cit.* The coincidence of Polanyi's positions with those of guild socialism was already noted by von Mises in 1924 and fully discussed in an article of Felix Weil in *Archiv für Sozialwissenschaft und Sozialpolitik* LII, 1 (June 1924), pp. 196-217.

23. On the rival interpretations of market society and their respective fortunes, cf. Albert O. Hirschman, "Douceur puissance et faiblesse de la société de marché," in his *L'économie comme science morale et politique* (Paris: Gallimard-Seuil, 1984). Polanyi's position fits well with the versions of the "self-destruction theory" of Schumpeter and Horkheimer, including the eclipse undergone in the thirty years following the war and the successive revival. "Rehashed by Keynesian policy and the reforms of the Welfare State, market society seems at that time to have escaped its self-destrucitve tendencies . . . But in the seventies. . . the feeling of general crisis that had dominated the thirties and forties was to reappear" (p. 21).

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planned intervention of the producers themselves."[24] But he continues to exhibit the optimism of someone who considers that the second alternative can once again subordinate economy to society.

Polanyi's politics are responsible for the inadequacy of his concept of the market. Thus he restricts the period of the self-regulating market to the century between the end of the Speenhamland system and the great crisis. He identifies the market with mere competition.[25] Furthermore, Polanyi does not clarify the relation between state intervention and the market, even though he claims that before liberal capitalism it was the state that brought the market into being, as a sort of involuntary effect of trade policies which continue to protect society from the economy.[26] As for the expected democratic outcome of the "great transformation" of the 1930s, Polanyi's theory of state intervention underestimates continuity, which resulted in something he did not want, i.e., a situation in which the limits posed by planning tend to adjust society even more intimately to the economic system.

The attempt to find a political expression for his ethical rejection of the universal subjection to market values leads Polanyi to deal inadequately with transitional periods in Western history (mercantilism and state intervention in the 30s) and to ascribe to the state definite responsibility for the protection and representation of society. It will not be surprising to find the same inadequacy in Polanyi's treatment of a society such as Dahomey, distant as it is in time and space. In the succession of mercantilism, liberal capitalism and planning, Polanyi provided too succinct an account of the exceptional nature of the self-regulating market and refrained from analyzing the ambiguities of the preceding and following periods. In the same way, he exagerated the distinction between traditional modes of transaction and the market, between society and the economy.[27]

Braudel equivocates on the meaning of the "great transformation," as if it were a question of the advent and not the collapse of 19th century civilization, and shows little respect for Polanyi's theory when he summarizes it: "To sum up, a distinction should be made between *trade* (commerce, exchange) and *market* (the self-regulating market of prices), the emergence of which constituted a major social upheaval in the last century."[28] In fact, there is an attempt in W. C. Neale's essay in *Trade and Market*, to which Braudel refers, to distinguish markets not organized into a system from self-regulating markets, while exchange is obviously not identified with trade.[29] But Braudel does not appreciate

24. Polanyi, "Our Obsolete Market Mentality," *op. cit.*, p. 117.

25. Alain Caillé, "Comment on écrit l'histoire du marché," in *Bulletin du MAUSS* (1982), 3-4, p. 108. See also, in the same journal (no. 13, March 1985) J. J. Amouyal, "Étude critique de l'interpretation du systéme de Speenhamland par Polanyi."

26. *The Great Transformation*, *op. cit.*, pp. 70-71.

27. Humphreys, "History, Economics, and Anthropology," *op. cit.*, pp. 206-7.

28. Braudel, *Civilisation matérielle et capitalisme*, II, *op. cit.*, p. 194.

29. Cf. W. C. Neals, "The Market in Theory and History," chap. XVIII in *Trade and Market*, *op. cit.*; on the same point see "Our Obsolete Market Mentality," *op. cit.*

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this "theological taste for definition": "It is too easy to call one form economic and another social. Actually all forms are economic and social. For centuries there have been very different socio-economic exchanges, which coexisted either in spite of or because of their differences. Reciprocity, redistribution are also economic forms . . . and market for money considerations is also a social reality and at the same time an economic reality." Far from preventing the emergence of a true self-regulating market before the 19th century, price controls in the pre-industrial world protected the consumer and guaranteed competition. According to Braudel, "historically, one has to speak . . . of market economy from the moment there is a fluctuation in prices between markets of a certain area, a phenomenon so much the more characteristic in that it is found throughout different jurisdictions and sovereignties. In this sense a market economy exists long before the 19th and 20th centuries, which, according to W. C. Neale are the only centuries to have known the self-regulating market."

Braudel does not claim that this nearly competitive market economy covers the whole economy. The market economy is limited now, as it always has been, by self-sufficient sectors, by state authority, and by the role of currency in price formation: "One thing is certain and that is that, alongside the non-markets dear to Polanyi, there are and always have been exchanges merely for money considerations, however modest they may be. Markets, albeit humble, have existed since the remotest antiquity, ranging over one or more villages, since a market may take the form of an itinerant village . . ."[30] He admits he is tempted to identify economic history and the history of the market. In his view, there has been a market ever since there has been exchange, i.e., economic life, as opposed to material life and distinct from capitalism.[31] In the framework of this tripartition which informs Braudel's whole interpretation of history, economic life tends to merge with a competitive market economy which is more or less the same everywhere.[32]

There is no need to insist on the economistic bias implicit in "this retrospective history of the market, founded on the double axiom of its naturalness and the substantial identity of traditional markets and the market of today."[33] This is confirmed, in the context of this kind of posthumous debate, by Braudel's

30. Braudel, *Civilisation matérielle et capitalisme*, II, *op. cit.*, p. 196.

31. Braudel, *Dynamique du capitalisme*, *op. cit.*, pp. 22-23.

32. See the following description: "at the first stage a varied, self-sufficient, routine *vie matérielle*; above this comes a more clearly defined economic life which (in our presentation) as tended to merge with competitive market economy; finally, at the last stage, capitalist activity," followed by the opposition between capitalism and economy, which Braudel considers decisive (Braudel, *Civilisation matérielle et capitalisme*, II, *op. cit.*, p. 403). In the conclusion to the same volume, the existence of a market economy is indicated as a condition "necessary but not sufficient" for the formation of a capitalist process: "This omnipresence is the proof that market economy, the same everywhere apart from some very slight variations, is fundamentally necessary, spontaneous and indeed common to every society that grows beyond a certain size" (*Ibid.*, p. 534).

33. Caillé, *Comment on écrit l'histoire du marché*, *op. cit.*, p. 129.

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approval of North, who had replied to Polanyi's "challenge" by proposing to extend the cost-benefit analysis to non-market "transactional modes" and "forms of economic organization."[34] The proposal to interpret such heterogenous institutions as families, firms, guilds, manors, trade unions, cooperatives, etc. as "substitutes for price-making markets" carries to an extreme the fundamental anachronism inherent in an economic history centered on the market both as a natural and teleological fact. This retrospective economistic reevaluation of the history of human societies is exactly the opposite of Polanyi's conception.

The confrontation between Polanyi and Braudel highlights the central question of Polanyi's book on Dahomey and all research that resulted from *The Great Transformation*. As Braudel sees it, the central question is the link between the capitalist seen as the merchant speculator and a pre-existent market. For Polanyi, pre-capitalist markets are not imperfect prefigurations of the self-regulating market but have a consistency of their own in that they are "embedded" in the fabric of their respective societies as other modes of transaction-integration (reciprocity, redistribution, household economy). The question is how society can defend itself against the processes whereby capitalism creates market economies.[35]

In the case of Dahomey and the slave trade, when foreign merchants came into contact with a non-market society its institutions sought to prevent devastating market forces from undermining society. As already indicated, Polanyi forced this separation. But this is only one of the criticisms addressed to him and his collaborator, Arnold, author of the two essays on Whydah in *Trade and Market*: "Arnold, in her attempt to support the 'port of trade' thesis, ignored the period before 1727 and exaggerated any hint of the isolation of slave trade from other commerce. Whydah was as free a port as existed prior to the Fon conquest of 1727, and the interactions of slave trade and domestic market were intimate. Private merchants continued to trade alongside the king after 1727 and import goods, in the majority, circulated generally. How then could an act of the state have made the port into an isolated enclave, protecting the domestic economy from the evils of price fluctuations? Polanyi, going

34. Douglas C. North "Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi," in *The Journal of European Economic History* VI, 3 (Winter 1977), p. 709. North's proposal has been taken up and carried in the institutionalist direction by D. Kamel, "Institutional Economics: Perspectives on Economy and Society," in *Journal of Economic Issues* XIX, 3 (September 1985).

35. The use of the term "capitalism" is sporadic and scarcely qualified in *The Great Transformation*. See however, the Poor Law Amendment of 1834, considered as "the starting point of modern capitalism" and the observation concerning the failure of the attempt to "create a capitalist order without a labor market" (p. 80). On the liberal economy: "as a response to the challenge of the Industrial Revolution through which human economy has been transmuted into a self-regulating system of markets," see "Our Obsolete Market Mentality," *op. cit.*, p. 110.

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over the ground of his associate some years later, recognized the need to discuss the earlier period, and to back away from Arnold's most simplistic assertions on the economic isolation of Whydah. . . Both Arnold and Polanyi erred in assuming that Dahomey exported mainly slaves obtained from far inland, and in assuming that the Fon monarchy carried on slave trade as a state monopoly. Each erred as well in confounding evidence from three quite different centuries to develop a composite image of Dahomey."[36]

This criticism is substantial, based on the quantitative research which has extended our knowledge of the Atlantic slave trade since the 1960s.[37] Despite the importance of 18th century slave trade, Manning questions whether Dahomey can be described as an economy founded on the export of slaves: "Instead — he claims — the commodity exchange mode of production dominated the economy in this period, as in previous and subsequent eras."[38] He quotes data on two voyages to Whydah in which 10 percent of the slaves were sold by the state, 20-30 percent by the big merchants, 30-50 percent by small merchants in lots of 3-8 slaves each, and 20 percent by single individuals selling one or two slaves. The state's share proves to be surprisingly small, even in terms of total income. Though the state may well have regulated the Atlantic slave trade and taken part in it, it did not have the monopoly of the trade. While the export of slaves was not negligible, nor did it constitute the main economic activity, "the bulk of wealth, output and perhaps even state revenue was assured by the familial and commodity exchange modes of production. At the same time, the familial and commodity exchange sectors reproduced the population from which the slaves were drawn, and the sales of slaves permitted the immense export of cowrie currency which, *ceteris paribus*, facilitated the expansion of the domestic market. In sum, while Dahomean slave exports and domestic production had important interaction, the only sense in which the export of slaves dominated the economy is that in which a parasite is said

36. Manning, *Slavery, Colonialism, and Economic Growth*, *op. cit.*, pp. 41-42.

37. For the African aspects, see Claude Meillassoux (ed.), *L'esclavage en Afrique précoloniale: dix-sept études* (Paris: Maspero, 1975); Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa* (Madison: University of Wisconsin Press, 1977); Claude Meillassoux, "Le rôle de l'ésclavage dans l'histoire de l' Afrique occidentale," in *Anthropologie et société* II (1979), 1, pp. 117-48; James L. Watson, ed. *Asian and African Systems of Slavery* (Oxford: Blackwell, 1980); J. F. Inkorni, ed., *Forced Migration: the Impact of the Export Slave Trade in African Society* (London, 1982); Paul F. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge: Cambridge University Press, 1983); Claude Meillassoux, *Anthropologie de l'esclavage; le ventre de fer et d'argent* (Paris: PUF, 1986).

38. Manning, *Slavery, Colonialism, and Economic Growth*, *op. cit.*, p. 43. There is a view of Dahomey as an economy dominated by slavery and the slave trade in George Elwert, *Wirtschaft und Herrschaft von "Daxome" im 18. Jahrhundert: Ökonomie des Sklavenraub und Gesellschaftsstruktur 1729 bis 1818* (Munich: Kommissionverlag K. Renner, 1973); and Polanyi's reconstruction had already been confronted before Manning by Werner Peukert, *Der Atlantische Sklavenhandel von Dahomey, 1740-1797. Wirtshcaftsanthropologie und Sozialgeschichte* (Wiesbaden: Steiner, 1978).

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to dominate the host. In the case of Dahomey, the effect of the parasite was grave but not fatal."[39]

The important point lies elsewhere. While it can be taken for granted that Polanyi and his collaborators forced the interpretation of the sources and the available literature to demonstrate the prevalence of social institutions over the economy, the research and availability of new quantitative data certainly does not require account forcing in the opposite direction, part of a tendency to exaggerate the importance of the market economy in colonial and pre-colonial Africa.[40] As in the case of Polanyi's work, the problem is not only with the nature of the phenomenon analyzed but conceptualization of the larger context that conditions it. Quantitative history "misinterprets the essential nature of hundreds or thousands of small marketless economies and economies with petty markets, by vastly exagagerating their similarities to modern capitalism."[41] Therefore, the necessary revision of Polanyi's interpretation of the case of Dahomey should be sought in a more careful reading of the sources, such as Law's work on the Oyo empire — the powerful eastern neighbor which made the Kingdom of Dahomey its tributary in the 18th century.[42] In a study of royal monopoly and private enterprise in Dahomey, Law takes an intermediary position: he maintains that neither the concept of a royal commercial monopoly, nor the theory of the purely nominal character of this monopoly is tenable. But it is essentially accurate to claim that the King of Dahomey took part in the slave trade directly and that there were also private Dahomean merchants who dealt in slaves.[43]

A more accurate interpretation of the available evidence leads not only to a more precise picture of the royal prerogatives and to a more complete indentification of the social agents of the slave trade, it also highlights continuous rivalry of officials and merchants for the control of profits — something that cannot be found in Polanyi's book. According to Law's findings, the royal

39. Manning, *Slavery, Colonialism and Economic Growth*, *op. cit.*, p. 45. See also pp. 11-12 and 282.

40. See also Hopkins: "trade in Africa, as elsewhere, is as old as man himself, and the concept of the market is appropriate to early as well as to more recent times. Moreover, exchange and subsistence activities were (and still are) integrated." Cited in George Dalton, "An Economic History of West Africa: A. G. Hopkins," in *African Economic History* I (Spring 1976), p. 53. Dalton points out the affinities between Hopkins' book and *The Rise of the Western World* (1973) by Douglass C. North and Robert Paul Thomas, who also takes the market as the organizing principle (*Ibid.*, p. 97).

41. Dalton, *An Economic History*, *op. cit.*, p. 94.

42. R. Law, *The Oyo Empire c. 1600- c. 1836. A West African Imperialism in the Era of the Atlantic Slave Trade* (Oxford: Clarendon Press, 1977). On relations with Dahomey, cf. pp. 219 ff.

43. R. Law, "Royal Monopoly and Private Enterprise in the Atlantic Trade: The Case of Dahomey," in *Journal of African History* XVIII (1977), 4, p. 560. In this Law follows W. F. Argyle, *The Fon of Dahomey: A History and Ethography of the Old Kingdom* (Oxford: Clarendon Press, 1966).

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monopoly turns out to be a myth,[44] the fact remains that the Kings of Dahomey did attempt to establish such a monopoly a number of times and that they constantly tried to interpose themselves as mediators between their subjects and the European merchants and prevent the latter from establishing direct contact with the slave supplier states of the inland. To give him his due, Polanyi speaks of the predominance of the administered forms of government trade, though in the framework of the more debatable assertion that external trade and market were kept completely separate. The core of his theory is not belied by the conclusion of contemporary research: "West African rulers were drawing their incomes, directly or indirectly, from trade. They engaged directly in the production of goods for sale (especially slaves). They levied taxes on trading caravans and commercial transactions."[45]

As for the larger context of recent studies on Dahomey and Africa, "world system" theory and French "structuralist" Marxism complements Polanyi's "substantive" approach and its emphasis on the autonomous, politically determined and redistributive character of pre-capitalist states.[46] Wallerstein and his followers emphasize the process of peripheralization, the gradual incorporation of countries into the "world system," and the strengthening of State structures; they accept the results of quantitative economic history of "formalist" inspiration.[47] But research on the aggregation of means of production in complex social formations (which constituted the most promising aspect of French anthropological research in the 1970s, seems to have dried up, just when it was arousing wide interest in the English-speaking world.[48] Moreover, none of these approaches now appear to exclude the others, as can be seen with respect to Dahomey from the scheme proposed by Moseley: "While acknowledging the impact of capitalism, which provided the major impetus to development, we would insist on its mediation and containment by redistributive

44. *Ibid.*, p. 576.

45. R. Law, "Slaves, Trade, and Taxes: The Material Basis of Political Power in Precolonial West Africa," in *Research in Economic Anthropology* I (1978), p. 48.

46. K. P. Moseley, "The Political Economy of Dahomey," in *Research in Economic Anthropology* II (1979), pp. 69-70.

47. See Immanuel Wallerstein, "The Three Stages of African Involvement in the World-Economy," in Peter C. W. Gutking and Immanuel Wallerstein, eds., *The Political Economy of Contemporary Africa* (Beverly Hills: Sage Publications, 1976), p. 33.

48. See F. Pouillon, ed., *L'anthropologie économique: Courants et problémes* (Paris: Maspero, 1976). For the impact of French "Marxist" anthropology on the English-speaking world, see the collection of essays edited by David Seddon, *Relations of Production: Marxist Approaches to Economic Anthropology* (London: Frank Cass, 1978) and the critical survey in Barry Hindness and Paul Hirst *Pre-capitalist Modes of Production* (London: Routledge and Kegan Paul, 1975); John Clammer, ed., *The New Economic Anthropology* (London: Macmillan, 1978); Joel S. Kahn and Joseph R. Robera, eds., *The Anthropology of Pre-capitalist Society* (London: Macmillan, 1981). In a review which appeared in *American Anthropologist* LXXXIV, 2 (June 1982), Rondha H. Halperin stated that Marxism and substantivism have become the dominant tendencies in economic anthropology.

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mechanisms and other indigenous structures. The social formation concept has the virtue of accomodating this heterogeneity, drawing attention from the start to problems of accretion and encapsulation, the interaction of diverse modes, and their articulation in a more or less consistent hierarchy."[49] This is a fine piece of syncretism, that caters to all tastes, though the problem that inspired Polanyi's concern with Dahomey and the slave trade has been lost.

We are back to the question of the self-regulating market and the circumstances that led Polanyi to demonstrate, on the basis of archaeological and anthropological research, that it constituted an exception. Despite all its shortcomings, *Dahomey and the Slave Trade* reminds us that European history before and after the era of liberal capitalism has affinities with the history of societies whose economy was "embedded," and thanks to the state, would become "embedded" again. Polanyi's anti-market utopia epitomized his hopes of social protection and representation by the very state that was more intimately adjusting society to the economic system. His projection of this utopia in Dahomey produces a caricature, however unwitting, of barely restrained admiration for the political and administrative ability of slave trader African Kings capable of keeping the European merchants at bay and converting the disruptive effect of mercantile contagion into a force that would guarantee the reproduction of archaic social relations.

But Polanyi's utopia also comprises a seminal value which only today can be fully appreciated. It is neither the "romantic anti-market syndrome" that leads Polanyi in the footsteps of the young Marx and Engels and to economic anthropology,[50] nor a generic appreciation for exotic economies,[51] but rather an interest in the comparative study of all possible socio-economic systems that cannot be reduced to the market society model nor interpreted exclusively in economic categories. Too subtle, or more probably only too alien to the academic mind, this strategy was misunderstood by his opponents and rendered commonplace by his followers. It is not the limits of a primary anti-economic bias that led Polanyi to put distribution before production, as the

49. Moseley, *The Political Economy of Dahomey*, *op. cit.*, p. 70.

50. Cf. S. Cook, "The Obsolete 'Anti-Market' Mentality: A Critique of the Substantive Approach to Economic Anthropology," in *American Anthropologist* LXVIII (1966); now in E. E. Le Clair Jr. and Harold K. Schneider, eds., *Economic Anthropology* (New York: Holt Rinehart and Winston, 1968), p. 212. See also Cook cf. "The 'Anti-Market' Mentality Re-examined: A Further Critique of the Substantive Approach to Economic Anthropology," in *Southwestern Journal of Anthropology* XX, 4 (Winter 1969), pp. 380 and ff.

51. This is the expression Louis Dumont uses in the preface to the French translation of *The Great Transformation* (Paris: Gallimard, 1983), pp. IV-V. On Polanyi see also Louis Dumont, *Homo aequalis: Genèse et épanouissement de l'idéologie économique* (Paris: Gallimard, 1977).

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most superficial "Marxist" criticism would have it,[52] but the conviction, mediated at length — from *The Great Transformation* to *Dahomey* via the essay on "Our Obsolete Market Mentality" and *Trade and Market* — that the reduction of work and land to commodities does not correspond to any "natural" necesssity but is a historical exception.

This exceptional character is apparent only if we place ourselves in a *before* and *after*, or rather in an *elsewhere* with respect to the times and places of liberal capitalism. Neither the "formal" conception of the economy (which projects the schemes and language of utilitarian reason to all human societies), nor the economistic bias which underlies the teleology of the market in the dominant orientation of quantitative economic history fulfill this condition. Moreover, reduced to the sphere of a single discipline — economic anthropology — the distinction between exchange and market, and the identification of forms of transaction other than those of the self-regulating market, do not go beyond description and thus lose a great deal of their heuristic value.

52. G. Dupré and P. P. Rey "Réflections sur la pertinence d'une théorie de l'histoire des échanges," in *Cahiers Internationaux de Sociologie*, Vol. 46, 1969, pp. 133-62. Claude Meillassoux *Terrains et théories* (Paris: Maspero, 1977), p. 318. A more sophisticated Marxist position is to be found in Maurice Godelier's contribution to the debate on Polanyi in *Annales FSC* XXIX, 6 (November-December 1974), p. 1372.

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Symposium on Russell Jacoby's *The Last Intellectuals**

Hope Among the Ruins

David Gross

Jacoby builds his argument about the decline of public intellectuals on the assumption that there have been roughly three stages through which intellectuals have passed in this century. These give his argument a structure and help explain the disappointments he feels regarding the last of these stages — the one we are in.

The first stage consists of those intellectuals born around 1900 (Mumford, Wilson, McDonald) who made their living primarily by way of books and journalism. As public intellectuals they were critics and iconoclasts. Some attached themselves to the remnants of bohemian existence (still possible in Greenwich Village in the 1920s), but none identified with academia. The second stage consists of those born around 1920 (Howe, Kazin, Bell). This group started out writing for the little magazines and only much later, in the 1950s and 60s, with the rapid expansion of universities, did they find their way into academia. Before that happened this generation had mastered a public idiom. It offered compelling writing for a general readership, and represents the last era of effective public intellectuals. Jacoby's third stage encompasses those born around 1940. Growing up in the late 1950s and early 60s, this generation confronted the disappearance of bohemia, the collapse of the cities as centers of intellectual activity, and the emergence of a stultifying suburban existence. The influential little magazines which had supported previous generations had also vanished or become marginal. Craving intellectual stimulation, many young people moved toward the only cultural sphere that was left: the university. There they were wittingly or unwittingly drawn into a professionalism that cut them off from the general population and forced them to address mainly specialists and colleagues. As graduate students and later as professors,

* (New York: Basic Books, Inc., 1987).

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they developed a research style, a monographic idiom, which separated them even more decisively from the vernacular, and from any hope of being understood by a wide audience. The result: they never became public intellectuals as earlier generations did. "An intellectual generation [had] not suddenly vanished; it simply never appeared. And it is already too late . . . to show up."

It is true that the use of these stages enables Jacoby to describe something that has actually happened, namely the withering away of a certain kind of intellectual. But his framework also prevents the glimpse of other tendencies at work which he seems not to notice. I would suggest another way to talk about stages which may reveal a great deal more of contemporary social and cultural reality. It also helps account for an undeniable contemporary phenomenon: *conservative* public intellectuals.

The stages I want to substitute for Jacoby's do not represent generational changes as much as changes in the cultural apparatus. Thus, Stage 1 stretched from the colonial period down to about 1930 and was primarily literary in tone. Its central organs of expression were the popular journal or magazine, as well as the public lecture forum or the literary lyceum which existed in every major town and city in the country. In this era virtually every American intellectual from Paine through Emerson to Randolph Bourne was a "man of letters." They wrote with great moral passion for a wide public about general cultural and civic matters. To a considerable extent, they were listened to precisely *because* of the intense moral passion that informed their work, not because they were "experts."

Stage 2 began around 1880 and continued to the present. At first it ran parallel to Stage 1, but since the 1930s or so it has mostly displaced it in power and importance. This is the stage of the professionalization of intellectuals Jacoby discusses. It did not happen in a generation, but was a process lasting decades. As a result of this professionalization, specialized journals replaced little magazines, narrowly-targeted audiences fractured general ones, and the criteria of status shifted from a stress on one's publicly-tested literary or intellectual reputation (as a "writer," an "author") to one's university credentials, affiliations, and certifications (as a "scholar," an "expert"). Along with these changes came a new professional discourse which claimed precision, and the ability to use sophisticated methodologies from the emerging social sciences. Here Jacoby is right: a new language did appear which replaced the "fuzzier" literary prose of earlier times with something more objective, rigorous, and rational, but at the same time less morally passionate, since any subjective slant was now deemed inappropriate and unprofessional. A few, of course, preserved ties to the earlier cultural apparatus and continued to write in a popular idiom (e.g. Dewey, James), but they are noticeable exceptions to the rule.

Around the time universities became virtually unchallengeable as sources of authority (around 1960), a Stage 3 emerged. At this point, a new cultural

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apparatus founded on the possibilities of visual communication (and embodied most completely in television) appeared on the scene and it bypassed altogether the print media which had been the focus of both previous stages. Through television's capacity to directly address millions of people in their own homes, a new type of intellectual became possible: one who *speaks* rather than writes, and who wields influence primarily by means of a stylized presence and a highly polished delivery. These "new intellectuals," claiming to be "policy experts" or specialists on everything from international terrorism to how the American electorate will vote in the next election, were and are housed not so much in universities as in prominent "think tanks," corporate or government-funded institutes, or large consulting firms. Among these media intellectuals there is far more hucksterism and entrepreneurship than among earlier intellectual types, though Jacoby says nothing about this and in fact singles out for criticism only the university intellectuals whom, he says, always "travel with curricula vitae and business cards." This seems to be an exaggeration, but even aside from that, it is one thing to "sell oneself" to departmental colleagues in order to receive tenure (something which does not require an agent or publicity manager), and another altogether to sell oneself to an executive board of a TV network (which often does). Both forms of self-commodification may be reprehensible, but only the second moves comfortably into the regions of showbiz.

Another thing worth noting about the electronic intellectuals is that they are invariably politically conservative. There are reasons for this: their worldviews dovetail with those of the corporate managers who hire them. Still, it bears remarking that leftist intellectuals have generally shunned TV as a medium. Their orientation has remained almost exclusively literary or academic. The "word" has traditionally been what matters, not the "image." Jacoby himself shares this negative bias toward the visual. In a rare mention of TV he points out how completely "television viewing has . . . slashed readership." For him this is naturally an unfortunate development, but conservative intellectuals have seized upon it as something positive, something worth taking advantage of in order to reach a larger audience. Those most willing to be fully absorbed into electronic hucksterism have been the 1940s generation of neoconservative intellectuals (Will, Ledeen, etc.) who have decided to utilize rather than deplore TV's public possibilities. In half an hour, a neoconservative "expert" from a Washington institute can communicate his point of view to many times more people than did Mills, Howe, Mumford and McDonald altogether in all the books and articles they wrote in their collective lifetimes of work. In sum: today the effective intellectuals who have mastered a public vernacular — exactly what Jacoby wants — are the conservative "media" intellectuals. Not only do they dominate the air waves, they define issues and control even the language in which these issues are framed. Jacoby seems not to notice these disquieting developments, nor does he notice

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that the appropriation of TV appears, at least on the surface, to have made *both* previous stages, the literary and the academic, irrelevant. This does not have to be so — there is still room to maneuver outside the seemingly ubiquitous visual media — but the problem of the electronic cultural apparatus has first of all to be acknowledged and confronted, as few on the left have done so far.

This raises the need for a second "revision" of Jacoby's argument. When the 1940s generation of promising leftist intellectuals entered the university to stay, it was not, according to Jacoby, because of moral failure; it was because there seemed to be nowhere else to go. Once there, however, they got caught up in careerism and succumbed to the pressure to establish credentials and "hide in the mainstream." They abandoned their earlier moral passion and became an academic bourgeoisie — safe, satisfied and complacent. They abandoned their interest in larger political concerns, and their prose turned wooden at precisely the same rate at which they became "professionalized." Jacoby assumes that a kind of vulgar materialism automatically takes hold once intellectuals attach themselves to universities.

There is some truth to this. Subtle and not so subtle forms of academic conditioning *do* take place once one has been within a university setting for any length of time. Academic notions of "discretion," "good taste," and "balanced judgment" do tend, as Mills pointed out, to lead to self-intimidation and can eventually silence critical writing. The rhythms and conventions of professional life are highly cooptive; they corral and domesticate, and more often than not reward insignificant, mediocre work over achievements of imagination or originality. But an intellectual within the university need not *necessarily* collapse in the face of these pressures. Jacoby underplays the extent to which the outlook and attitudes young leftist intellectuals had when they first entered the university *are still there*. For many, initial ideals and projects have not been professionalized away. Jacoby seems to find this hard to believe, and he mentions several people (e.g. Piccone, Giroux) who were denied tenure for following their "initial ideals and projects." As he puts it bluntly, professionalization "*leads to* privatization or depoliticization" (my emphasis); the forces of academic life *cause* "a withdrawal of intellectual energy from a larger domain to a narrower discipline." This is a too severe, and probably also an unintended, determinism on Jacoby's part. The university may condition but does not determine. Testimony to just this fact is present throughout Jacoby's book. Many of the intellectuals he most respects operate, or have operated, as public intellectuals while still holding university appointments: Dewey, Veblen, Mills, Baran, Gutman, Chomsky, Lasch, and others. Perhaps none of these individuals have felt that comfortable within their respective universities, but they did not submit to pressures toward meaningless specialization.

To be fair, Jacoby never criticizes intellectuals simply for being in academia. Rather, he criticizes them for three other things: for ridiculously narrowing

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their audience by writing monographic inanities, for corrupting their prose styles in the process, and for giving up being the public intellectuals most had once hoped to be. It seems to me that every one of these "failures" is correctible if one wills to do something about it. Instead of lamenting, as Jacoby does, that there are now a thousand radical sociologists but no C. Wright Mills, why not say: if one Chomsky is possible today, why can there not be a thousand who similarly put themselves forward as public-minded intellectuals? I believe it is largely a matter of *deciding* to become engaged, deciding to opt for the risks of commitment over the rewards of professionalism. This is not a defense of academia but a defense of a certain kind of life which is still possible *within* academia. Baran's words, which Jacoby cites, say it best: "The desire to tell the truth is only *one* of the conditions for being an intellectual. The other is courage, readiness to carry on rational inquiry to wherever it may lead . . . to withstand . . . comfortable and lucrative conformity."

Nevertheless, even if one decides to be a public writer addressing a general audience, a major problem remains. Where is one's audience if not camped in front of the TV? If Jacoby is right, most of the forums of expression which had earlier sustained a vital cultural life have now evaporated, particularly the small periodicals. What good would it do then for an intellectual to commit himself to a readership that is not reading? This may be the key question facing any potential leftist intelligentsia today. To be effective intellectuals need a public sphere, a discursive arena in which to operate. But a flourishing public sphere does not now exist; one has literally to be created if leftist intellectuals are to play the kind of role Jacoby has in mind. There are only two options available: either conjure up a public sphere by utilizing the electronic media, or try to engender one by resuscitating what remains of a declining literary culture. The first option of embracing visual high-tech seems imaginative and progressive, and the second regressive, but I would nevertheless be more inclined toward the second option. The medium of television may be closed to the left in any case since, as Mills pointed out with regard to the mass magazines, "between the intellectual and his potential public stand technical, economic, and social structures which are owned and operated by others" who are not well-disposed to radical perspectives.

With the millions of young people who have passed through colleges and universities during the past couple of decades, there is no good reason why there should not be greater support for small magazines and journals addressed to general cultural and political matters. If a pool of readers could be significantly enlarged, and many more magazines similar to the now defunct *Liberation*, *Democracy*, *Politics*, or *Ramparts* resurrected and widely circulated, the missing arena for public intellectuals would come into being. Not only might this draw potentially engaged academics into the public sphere, but it could help sustain non-academic publicists and free-lancers who today, as Jacoby indicates, are an endangered species. Just as important, a revived literary

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culture, even if unequal to what it was in the past, would stimulate a counter-discourse to challenge the prevailing conservative discourse. Anyone who looks back to the journalism of, say, 1890-1910 in the US will be struck by the extent to which populist, progressive, and radical intellectuals shaped the language of the times, and thereby set the agenda of issues to be dealt with. *Then* the terms that predominated were "social justice," "equalitarianism," "community," "the public weal," "workplace democracy," "mutual aid," and "citizenship." *Now* they are "free enterprise," "supply-side economics," "self-interest," "national security," "prosperity," and "anti-communism." The enormous differences between these two vocabularies makes it clear why a counter-discourse needs to be re-established.

Of course, even if public intellectuals reappeared and wrote brilliantly and with moral passion again, none of this would change the world, at least not directly. At most, it might just barely interpret it better. In these rather depressing times, perhaps that is all that can be done.

Last Intellectual Principles

Marc Wortman

Extrapolating from Jacoby's work and my own experiences around universities, I have formulated two principles — Peter Principles of sorts — about the intellectually debilitating nature of academic bureaucracy. The first is the principle of the institutionalization of knowledge. Putatively intended to propagate knowledge, the university serves primarily a containment function for the essentially radical nature of truth and knowledge. The second is the principle of the dispersion of the elements necessary for rational community. Deemed our most coherent form of community, the university is actually one of the most concentrated centrifugal forces for dispersing impulses towards rational community. Each principle may be countered with exemplary opposing instances, yet over time both appear to be continuously reinforced.

The first principle, the principle of the institutionalization of knowledge, might be seen as a corollary to Weber's thesis about the course of charismatic revolutions. However, in the context of intellectual life, it is the charismatic or

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revolutionary idea, not the revolution, that will be institutionalized, often as not these days by its originator. The beneficiaries are always individuals but the justification is always an idea.

Weber found several examples of charismatic figures who aroused revolutionary movements; eventually, the successful movements sanctified the charismatic originator as an authority and his or her teachings turned into a method of governance and control over others. Ralph Waldo Emerson describes this tendency — a tendency basic to a culture whose primary value is innovation — of all thought to become constraining to those individuals and their thoughts which come after some moment of original greatness: "For it is the inert effort of each thought, having formed itself into a circular wave of circumstance, — as, for instance, an empire, rules of an art, a local usage, a religious rite, — to heap itself on that ridge, and to solidify and hem in the life." ("Circles," 1841) By this he means, each new and original thought contains a revolutionary essence, but in the context of historical circumstance it becomes something else, something lifeless — "the inert effort" — whether it is a religious rite or a bureaucratic order, that rigidifies and limits all those who come within its purview. Emerson believed that another great thought eventually comes along to burst "that ridge," creating a new circle of circumstance, also self-enclosing, until the next revolution. Originally attacking the lifeless forms of religious worship in New England Protestantism, Emerson led a broadening assault on all historical formalizations of revolutionary thinking. The spirit he unleashed fed into an intellectual and theological revolt that helped bring on the Civil War.

Things have changed. Revolutionary ideas now reap the deadening rewards of bureaucracy as swiftly as they generate footnotes. Every new idea needs an institute to preserve it: The more powerful the institute, the greater its effectiveness will be at containing the next revolutionary idea from challenging its hegemony. At its strongest, the idea will be fleshed out as a full-fledged bureaucracy — an academic department or a network of publications. It will develop an ideology and a textual canon as its supporting bedrock, regulatory systems requiring specialization for its cult-style followers to master, and supporting scientific methodology to reinforce its claim to supremacy. Under such conditions, the tendency to formalism is apparent: Methodology circles upon itself to become a self-fulfilling pursuit. The model of knowledge production in modern academia is closer to the model of capital production on today's financial markets than to the production of goods and services in the general economy: No real gains in the wealth of nations are made from it, though knowledge and power circulate like capital and, in circulating, concentrate to a greater and greater degree in non-productive enterprises.

In the modern university system, any idea that runs counter to the established order of knowledge production and maintenance will be systematically

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excluded or diluted through absorption. Like everything else in post-modern culture, this process has speeded up to the point that the university as the locus of intellectual life in America can blunt any new and potentially disruptive idea generated within its confines. Historically and functionally, universities are in essence a conservative force.

Jacoby's book supplies the longitudinal data to substantiate this principle. The speed of bureaucratization is such that the public intellectual whose aim is to attack orthodoxy through the development of useful and productive knowledge and ideas will be excluded by the academic systems of control or absorbed and rendered harmless by those same systems. The lack of audience and financial support outside the bureaucratic university system virtually eliminates the possibility for independent thought to burst "that ridge" of confining thought.

The second principle, the dispersion of community-building forces, is more directly political and practical. It is concerned with how a radical intellectual might work from within the university to be a publicly responsive and responsible thinker and why this is so difficult in our present situation. It reflects the disappearance of the bohemian environment which Jacoby recounts, an environment from which the public intellectual gained so much energy. Community, upon which effective political action is based, cannot be formed by transient elites whose knowledge-producing function separates them out from the daily lives of those among whom they live. The far-flung campuses and the concentrated pursuit of arcanum generates almost no political energy for the creation of radical community, rarely even for something as obviously useful and self-serving as a faculty union.

American university campuses are unique: They foster a climate for research, investigation, education, and exploration unparalleled in the contemporary world. They also isolate the professional intellectual and scholar from any indigenous communities, whether of the local townspeople or of the students who, in a sense, own the place for their four years. Indeed, they make one's colleagues one's nearest competitors: Why should you share ideas with someone who might beat you to a tenure slot, a chairmanship, a grant, or some other perquisite? In the context of the university, usefulness and intellect have become antithetical, indeed antagonistic. Universities create and encourage the type of monkish, close-minded elites that Allan Bloom apotheosizes (and the popularity of his book confirms his point about the degradation of American education). Such a contemplative stance forecloses the creative possibilities espoused by so many radical thinkers who wish to undertake something other than semi-religious exploration with their high-powered brains. In the centrifugal world of academia, one must become an inward-moving specialist or soon there will not be a place on the faculty.

Universities have lost the centrality to American political life which they held during the sixties. Professors, graduate students, and campus fringe elements

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come and go: elites of any form in America are caught into a vast socio-economic centrifuge that concentrates the non-volatile mass and isolates out all radical, catalytic elements. Those elements are no longer able to reach the mass in a manner essential for any effective participatory action. The university will never again be the breeding grounds for radical participation in American political life. The university is outside whatever melting pot there is and structured in an inherently anti-communitarian fashion.

On the other hand, Jacoby and personal experience show me that the possibilities for radical, public intellectual life on the fringes of academic conglomerates have all but vaporized. Either one struggles more than fulltime for tenure or to build a bureaucratic fiefdom — or one is out — and doing something else that hopefully fulfills some intellectual or political ambition. The marginal element, the adjunct and contract professors — at least until one reaches the exulted stature of a major writer or a hyped thinker — is a barely surviving fringe, a new academic underclass holding scant hope of gaining either a financially stable faculty position or of making a direct contribution to public intellectual debate.

Politics is community-based action: theory is something else. Its production in the universities is anti-communitarian: It fosters the formation of editorial boards and conferences, not protest movements and political action committees.

With these two principles structuring so much of intellectual life, it seems we have entered a period that offers some similarities to that of the original "intelligentsia" in Russia of the 1860s. We too have a surplus of individuals overly trained in non-functional disciplines. Such disaffected individuals tend to hold nihilistic and revolutionary attitudes. But outlets for those attitudes have dried up, though much posturing still goes on. Instead, impotent skepticism wears the black leather jacket of an easy cynicism. Intellectuals once walked the streets with knives in their heads, now they think the intellectual equivalent of junk bonds.

All radical intellectuals live in an amorphous land suspended by tenuously counterbalancing wires of integrity and physical need, between poverty and engulfing, brain-addling corporate institutions. While waiting for a sign from the heavens to make political action easy and obvious, we brood about the fate of the earth.

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Missing and Accounted For: Public Intellectuals

Michael Taves

Jacoby's book is a bit of a paradox: it stands as objective evidence against its own thesis. He has written a book about the decline of the public intellectual in a style of utmost clarity and lucidity — altogether a very good read — and succeeds at putting a sound argument together in non-specialized prose. In other words, begging the question of public impact for the moment, he has succeeded at being that which he proclaims extinct — a public intellectual. This is not to criticize him as actually contradictory. To the contrary, good cultural criticism often has this interesting dynamic of popping up and articulating otherwise amorphous and inarticulated dissatisfactions which until then only have a life akin to a rumor mill. In this sense Jacoby's book will come as no surprise to even minimally self-reflective academic intellectuals. It gives voice to a sense of self-mockery and trivialization that has been fairly palpable in the halls of academe for some years.

Nonacademic intellectuals, those that exist independent of institutions and address themselves to a broad audience in a public idiom, "are an endangered species." (6) While he recognizes that part of the problem may be the decline of an audience, his claim is that this is not primary. Of far greater importance are changes in the culture that have transformed ". . . the habitat, manners, and idiom of intellectuals." (6) The decline of a bohemian sub-cultural milieu and the numerous small publishing outlets which nurtured independent intellectual work coincided, in roughly the same period of time (post-WWII), with tremendous growth in the number and size of American colleges and universities. According to Jacoby, these trends "carried intellectuals from independence to dependence, from free-lance writing to salaried teaching," moving "from the cities to the campuses, from the cafes to the cafeterias," (4) where "a successful career depended on impressing deans and colleagues" (5) by showing that one "fit in" and by producing output suitable only for other colleagues rather than the educated public. By the 1950's university life so dominated intellectual production that "to be an intellectual entailed being a professor," (6) and mastery of a public prose was not a requisite of recognition or success. The "missing" intellectuals are not absent due to a literal extinction, they are rather "lost in the universities." (6) Today, few aspiring intellectuals

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assume they could be such outside of a university setting.

This is not simply a result of being rendered ideologically blind to possibilities outside of existing social institutions. In the post-1940's era, "writing as a freelancer made as much sense as homesteading: the open space did not exist." "To live from selling book reviews and articles ceased to be difficult; it became impossible." (9) Indeed, rising middle-class affluence, the gentrification of cheap urban living space, and the 60's co-optation and democratization of bohemian sub-culture destroyed a realm of social otherness, and thus the subversiveness necessary for independent intellectual ferment. University offices and privileged parking replaced the "intellectual life of poverty and protest." (75)

The New Left, contrary to being the expected exception, serves as Jacoby's prime example of this process of absorption into bureaucratized academia. In fact, two of the seven chapters trace this process showing (with the evidence of intellectual-biographical snippets of various New Left thinkers), how a revolutionary intellectual becomes a professionalized and politically inconsequential academic.[1] Indeed, who would have ever thought that radical thinking could become a career? There may be literally thousands of radical sociologists, economists and philosophers of various stripes, but these "increased numbers do not translate into public intellectuals." (8) Radicalism has departed from the public sphere into the privatized world of academic careerism.

While all this may not come as a great revelation to many radical academics, it is nevertheless true that it is all too easy to become narcotized by the overdetermining nature of one's everyday reality, and begin to not only acquiesce but rationalize and justify. After all, institutions change individuals more often than vice versa, and the combined forces of the extensive bureaucratization of knowledge (as an industry) and the post-modern decay of foundations for thought and action tend to render intellectuals increasingly impotent as sources of critique and change. In addition, the postmodernist outlook, itself more a symptom than a cause of this age of normlessness, has eroded all bases upon which intellectuals could develop any universally valid theory with clear foundations. For most, especially younger academics, to seek a clear-headed and normatively based theoretical perspective is considered professionally dangerous: allegiance to any totalizing view is considered passé or, even worse, naive and lacking the appropriate degree of cynical detachment. This attitude of, at best, neutrality, fits quite nicely with the old empiricist, scientistic paradigm of "value-free" science. Thus it is relatively easy now to be a "Marxist" or any other radical "ist," so long as one treats it as one among many other organizing theoretical systems and does not show signs of undue passionate commitment. The postmodernist academic intellectual turns out,

1. The most likely effect this aspect of Jacoby's analysis will have, with his wonderful examples of New Left voodoo and pointless abstractions, is to help insure that he remains a public, rather than an academic (i.e. employed) intellectual.

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in a twist, to be the concrete realization of abstract objectivism, without vision or binding values. In the context of mainstream academic politics, what is touted as "intellectually mature," detached (and therefore objective) independence, is nothing more than a professionalized and unprincipled gutlessness.

This same tendency can be seen in the purging of theory in much of the curriculum for training future intellectuals. In the social sciences, courses that traditionally tried to tie the otherwise fragmented segments of specialized knowledge together by examining their common theoretical roots have been extricated from the required curriculum, if not eliminated altogether. Most disciplines have long since given up all pretense at training intellectuals, and opted instead for statisticians, technologists, and instrumental clinicians. This mode of training is suited only to an internally-referential system of reproduction. Not only is it unlikely to produce thinkers of a large enough scope to address the cultured public, it will not even produce professors capable of locating a modern problem in the theoretical context which gives it meaning for students. As has been argued, intellectuals have been "exiled into academic irrelevance,"[2] — an irrelevance that is now becoming self-perpetuating and to which radicals are no exception.

There are signs of discontent, though they are by no means politically positive in any necessary sense. The middle class seems increasingly bifurcated[3] into, on the one hand, working moderate-income families who shop at K-Mart and send their kids to a state college and, on the other hand, a smaller segment of upper-income families in elite suburbs and the cynically-wise DINKS[4] (i.e. double-income-no-kids) — avaricious consumer mongers who wisely acquired early those characteristics of narcissistic purpose and emotional asceticism requisite to upward mobility. Increasingly large numbers of the first-category middle-class kids are catching on to the relative fraud of a bachelor's degree and, reacting within their experience of what an incredible bore school already represents in their life, are dropping out — a democratization of the drop out rate. After all, a bachelor's degree is increasingly little more than a minimal apprenticeship card for entry into low-paying service sector employment. It guarantees nothing of a promise of being on the direct pipeline to the American Dream and it definitely means much less than in the past.

Nevertheless, with all this bemoaning about the desultory effects of bureaucratized academia on education in general and radical intellectuals in particular, let us not forget that 20 years ago the critique of the educational process was high on the agenda of demanded change. It was not altogether unnatural, nor simply the result of the movement drying up and leaving us

2. Paul Piccone, "Symposium: The Role of the Intellectual in the 1980's," ed. by David Gross, in *Telos* 50 (Winter, 1981-82), p. 117.

3. Tim Knapp, "The Declining Middle Class: Causes and Consequences," Unpublished manuscript, University of Kansas, 1987.

4. Thanks to Juan Corradi for educating me to this new acronym.

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stranded on the 4th floor of the ivory tower, that those of us who had been pressing for universalistic claims to truth flowed into academic work. Even given a post-universalistic and more historically pragmatic outlook, many of us still believed that the best way to influence the future was to influence those who would grow into it. While it has been traditional on the left to give primacy of respect to the honest, hardworking plumber or typesetter, we conflate our notion of radical academics into a demand that they also be universalistic revolutionary intellectuals. After all, it is possible to contribute to reproducing the system as a hard-working plumber without that being simply a matter of "proletarian ignorance." In similar fashion, some of us, seeking to raise families and needing employment, have settled for being honest and hard-working teachers, practicing our more truly intellectual work on the side, while recognizing that our employment renders us accomplices in that process we otherwise criticize in our writings and treaching. The concepts of academic and intellectual need to be uncoupled. We are teachers, and only perhaps also intellectuals. To equate the two in a totalizing condemnation of academic lackyness is both factually wrong and politically dangerous. In the age of technocratic administration, the radical academic's attempt to preserve some vestige of critique should not be taken so lightly, or worse, simply dismissed.

Finally, writing as one of "the missing," I cannot help but proffer this small, though not very positive line of defense. Jacoby's book ends with a call for responsibility to public culture for leftist intellectuals. However, even with all the proper and reasonable qualifications, short shrift is given to some broader, if more amorphous, factors. The decline of the reading public and the overwhelming power of the general culture of mediocrity and apathy in nonparticipation tends to render the most energetic of efforts apparently futile. These factors have a cybernetic relation with the rise of academia and the retreat into professionalization and a self-referential discourse. I have had the experience several times over the past years of trying various efforts at promoting a public discourse, most recently the launching of a journal unaffiliated with any discipline and specifically addressed to a general audience.[5] I came to two conclusions: 1) the audience for educated opinion and analysis of topical issues is so small that it does not cast a shadow, and 2) start up publishing is now so expensive and so regulated by funding agencies that sufficient resources are simply unavailable. So when Jacoby writes that "By the back door choice enters the historical edifice," (237) I must respond that lately I seem unable to even find the back yard.

5. *The Old Westbury Review: A Journal of Critical Opinion,* was specifically designed to counter-effect the very problem Jacoby presents. Limited in resources to begin with, it had a life span of two issues before a new college administration cut off its life support. It is currently in a coma.

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The Decline of the City

Jean Bethke Elshtain

Jacoby has written a book at odds with itself. His introductory chapter is excessively apologetic in multiplying caveats and trying to avoid a narrowly-geared polemic that is overly strident in attacking everyone who is not C. Wright Mills. He hints at a transformed project not so narrowly geared to academic disciplines, while insisting that the social world needed to sustain public intellectuals of the sort he values no longer exists and may never reappear. What saves the book from the aloofness that characterizes Alan Bloom's best-selling *The Closing of the American Mind* is Jacoby's critical acuity and populist instincts.

The "academicization" of scholarship is an old story. The implications of this process have been hotly debated, Jacoby's book being the latest in a long line of laments. Jacoby essentially updates Irving Howe's claim that whenever intellectuals "become absorbed into the accredited institutions of society they not only lose their traditional rebelliousness but to one extent or another they cease to function as intellectuals."[1] On the opposite side, Alvin Gouldner has argued that the evolution of the new academic class as a "speech community" whose culture of "critical discourse" is characterized by speech "relatively more situation-free, more context or field independent," is a positive development.[2]

One of the problems here may have to do with what can be called the "social site of the intellectual," i.e., the city as a place necessary for the existence of public intellectual-café society. That is only part of the story. Another is the fact that, up to the end of WWII, American cities were real public spaces where public freedom could be demanded and even partially realized. Forces had long been at work to denude the city as a self-governing location. They

1. Quoted in Richard Hofstadter, *Anti-Intellectualsim in American Life* (New York: Alfred A. Knopf, 1966), p. 397.

2. Alvin W. Gouldner, *The Future of Intellectuals and the Rise of the New Class* (New York: Seabury Press, 1979), p. 28. This is a recoding of Karl Mannheim's argument in *Ideology and Utopia*. I have taken up these issues with reference to feminist scholarship in the special *Salmagundi* treatment of "Intellectuals" (Spring-Summer, 1986), showing just how divided feminist scholars are on the relation between women's studies scholarship and feminist practices. Some feminists see themselves as advancing the aims of an abstract constituted group — "women" — and reject any notion of critical distance, while others follow Julia Kristeva in claiming that feminism cannot be practiced "in a herd": feminist critical scholars must be more "*solitaire*" than "*solidaire*."

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culminated in the now dominant legal view and political reality: cities are mere state creatures. The loss of the city means the loss of the *necessary* location of a public intellectual who speaks to and from a *particular* not a universal site.

Consider progressive intellectuals such as John Dewey and Jane Adams. Both city-constituted persons (Chicago for each), they sought and found real vitality in concepts of neighborhood and precincts culminating in the city itself. Yet the problems generated by relentless industrialization, social dislocation, and tides of immigration prompted each to leap over the city to embrace the state as a kind of meta-city that might help solve city problems without destroying city autonomy. The state was to function as a kind of meta-city. Of course, it did not happen. But tracing this story might be fruitful in understanding American politics and the public intellectual.[3] City powerlessness and the loss of an intellectually vital public world go hand-in-hand. This helps explain the tendency for modern *political* intellectuals to be so *anti-public* (e.g., the very effective anti-democratic tendencies of such neo-conservative intellectuals as Irving Kristol and Alan Bloom). They must pontificate from above and from within academies or think-tanks. Their focus is the entire polity which they see in a state of terminal decay. To be sure, they have raised important questions about academic standards but in a manner that guarantees their appropriation by the most anti-democratic ends, i.e., ends that also erode the possible social sites for public intellectuals.

As Frug insists, the argument for city power rests on the presumption that cities *have* served historically, and might serve again, as "vehicles to achieve purposes which have been frustrated in modern American life. They could respond to what Hannah Arendt has called the need for 'public freedom' — the ability to participate actively in the basic societal decisions that affect one's life."[4] Absolute self-determination, whether for individuals or institutions of civil society in an epoch dominated by states is, of course, a fantasy. But there remains some room to maneuver in moving towards a notion of communal freedom that exists in tension with both individualism and statism. That is a long story. The point I want to end with, is that today Americans profess democratic ideals but fear democracy. The powerlessness of our cities is poignant proof of that fear — a fear written into law, embedded in the infrastructure of the political economy, evident in the tirades of many statist liberals against local initiatives and politics they find irrational or stupid. The argument about public intellectuals is an argument about democracy and its possibility.

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3. See Gerald Frug, "The City as a Legal Concept," *Harvard Law Review*, (April, 1980). Frug argues that the powerlessness of cities "has become so basic to our current way of understanding American society that no modest effort to 'revitalize' cities by decentralizing power can succeed. Real decentralization requires rethinking and, ultimately, restructuring American society itself." (p. 1060).

4. *Ibid.*, p. 1068.

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On The Last Intellectuals

Murray Bookchin

Jacoby's book is long overdue. If the New Left had merely died in America, it could be viewed with nostalgia and perhaps critical misgivings. Indeed, something could have been learned from its demise: e.g., what is a radicalism suitable for the US and its best traditions? Alas, this has not been the case. In England, a leftist movement that is still mired in 1930s radicalism can still sing "The Workers' Flag is Deepest Red" without seeming ridiculous. In Germany, where a Green Party has supplanted the traditional socialisms with a social ecology movement, radicalism still appeals to a broad "constituency" that ranges from ordinary protesters to outright revolutionaries. In America, however, the "movement" has either migrated to Nicaragua, where it seeks a miniature version of the Russian and Chinese "revolutions," or it has retreated into academic ghettoes, where it is rapidly becoming diluted by the vapors of post-modernism and other forms of Yuppie nihilism.

There is very little I can add to Jacoby's account of how the Old Left differed from an aging New Left by becoming the very professoriat against which it inveighed a generation ago. Nor can I add to Jacoby's account of how so many New York Jewish intellectuals swerved to the right and of how changes in the city and the loss of its bohemia destroyed its rich political culture.

Far too many of my New York Jewish comrades tried to find a cultural niche in American life. It took many of us a long time to appreciate the immigrant world of our parents, even though we were thoroughly steeped in it. For example, the "Russian Question" obsessed us. All attempts by the CPUSA to create the illusion that "Communism is Twentieth-Century Americanism" were made in audibly foreign accents. The inability of the Old Left to make contact with uniquely American radical traditions yeilded tragic results. It was the Huey Longs, the Father Coughlins, the Silver Shirts, and the Christian Front that were to capitalize on American populist traditions. The upsurge of the workers' movement, together with massive agrarian unrest, was either permitted to ebb or be institutionalized by Roosevelt and John L. Lewis with the Communists' help.

But there was a redemptive side to the Old Left as a whole. Radical students commonly left school, high schools as well as colleges, to help the CIO in its organizing drives. If we looked old enough, we were ferried across the Hudson River into northern New Jersey where we leafleted plants and were

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slugged by goons along with the union professionals. About Marxism, an embattled credo rather than an academic discipline, we were very well informed in comparison with the professoriat of the 1980s, not only at classes from the Workers' School on East 13th Street and at the Rand School off Union Square but in study groups and regular "educationals" that formed an integral part of our weekly meetings.

Who were these people outside educational institutions of any kind? They were not on the staffs of *Partisan Review*, *The New Leader*, or *The New Masses*. Nor did they even *think* of holding jobs in educational institutions, which (it was taken for granted) were "bourgeois" and utterly corrupt. For the most part, they later faded into ordinary, more pedestrian lifeways in the 1950s.

That this Old Left generation dissolved is more than understandable. No generation was more buffeted by betrayals, defeats, and manipulation than the thirties radicals. The bitterness engendered by Stalinism can almost be taken alone as an explanation of why so many Old Left intellectuals drifted to the right. Putting aside its cruder Stalinist luminaries, the Old Left *was part of a clearly definable historical era*: the rise, fruition, and decline of the labor movement. The period extending from the 1848 Paris insurrection, when red flags first appeared on barricades, to the May 1937 insurrection in Barcelona, when red-and-black flags were ignominously lowered because of commands issued by self-styled anarchist leaders, forms a very distinct and complete historical epoch. The New Left, by contrast, never had a history of its own. "Revolution" never went beyond media theatrics, and the "streets" were mainly a stage.

Here, perhaps, Jacoby's book may need some emendation. If he means radical "intellectuals," there is a void to be filled. *Where* radical "intellectuals" decide to go when overall conditions for radicalism evaporate is a *moral* decision. In the 1950s, for example, it was impossible to believe that radicalism had a future. Eisenhower, even more than McCarthy, seemed to signify that an *era* had come to an end. There was no history to be made once the classical revolutionary epoch had been replaced by one of philistine stability. The cleavage between the Old and the New Left was unavoidable in that an *historical* — not merely ideological — gap separated them. Ironically, the two "lefts" were not to make contact until they met as academic colleagues.

What, then, was needed to link a body of radical intellectuals with public life? I answered this question in the "Special Symposium on the Role of Intellectuals in the 1980s" in *Telos* 50. There I questioned the meaning of the word "intellectuals." The engaged "intellectuals" of the thirties, were more like a revolutionary *intelligentsia* than like bookish theorists. The word intelligentsia, is of Russian origin and designates what we call "intellectuals" who form a deinstitutionalized element in society that maintains its continuity regardless of periods of reaction. Characteristically, the Russian *intelligentsia* withstood periods of sweeping repression. Lenin capitalized on the *intelligentsia*'s idealism, renamed it a "party" of "professional revolutionaries," and ultimately bureaucratized it

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within an apparatus. Stalin, who never could become part of it, detested it and tried to annihilate it.

To the degree that Jacoby's "last intellectuals" were truly active in public life, they were members of an *intelligentsia* rather than "intellectuals." Like *The Contemporary* in Russia, which provided a voice for Belinsky, Chernyshevsky, and their like, they worked through dangerously critical magazines and often *created* causes, not merely attached themselves to them. It was largely the Paris *intelligentsia*, for example, that disinterred the Dreyfus case from the closed files of the military and made it into a worldwide scandal in flat defiance of French public opinion and even of the French Socialist Party. It was mainly the Polish *intelligentsia* that kept the flame of Polish independence alive in the darkest hours of Tsarist oppression. It was the Russian *intelligentsia* that challenged Lenin in the name of democracy and an uncompromising commitment to socialist ideals.

What has always given flesh and blood to the *intelligentsia* has been its own sense of community and identity, its collective power to resist dissolution by institutionalized forms of culture, and, above all, its sense of mission. These traits were clearly present in the thirties. One thinks particularly of John Dewey's effort to provide Trotsky with a forum during the ugliest period of the Moscow purge trials, at a time when liberals had joined with the Stalinists to silence the Bolshevik leader in the American press. The Dewey Commission, as it was called, was a palpable presence during its hearing at Coyacon, Mexico, where Trotsky lived out his last exile, and its verdict of "Not Guilty!" sent an electrifying message through the entire liberal-Stalinist establishment. Indeed, Trotsky himself, for all his political errors, was the avatar of the radical "intellectual," a totally mobilized personality who dared to challenge an entire empire until a pickax was buried in his skull.

In any case, something of an *intelligentsia* existed in the U.S. during the 30s and tried to carry on in the decades that followed. In present-day documentaries, however, what is being romanticized is not the figure of a Dewey, much less of a Charles Beard, who dared to question the liberal account of Roosevelt's attempt to bring America into WWII. Rather, it is the functionaries — the union organizers of the CIO and old communists who remained "faithful" to their party through all its changes of positions. So it is entirely possible that even the standards that distinguish an *intelligentsia* from academic intellectuals will begin to fade, possibly together with the very word *intelligentsia*.

If an *intelligentsia* were to be revived, it would have to be the result of a supreme moral commitment, not merely a reaction to changed social conditions. It would have to learn how to protest, acquire the "bad manners" that have been replaced by a nasalized, stately "discourse," and learn how to *hate* injustice — traits that are so notably absent in the academic world. The lack of solid theoretical foundations in the so-called "new social movements" being

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celebrated today renders such a revival unlikely. Thus, one cannot be overly optimistic about the formation of an *intelligentsia* at a time when capitalism has permeated every facet of life. Not only has Jacoby written an admirable description of a problem; he may well have carved a memorial to a tradition that is already being forgotten. My only concern is that this book may become another "resource" (despite its author's wishes) for research projects in which academic "lefties" will earn another bouquet of PhDs.

Coroners in the Academy

Andrew Feffer

During the past seven years the right has gradually taken over public discourse concerning intellectual life in America. Self-hating liberal academics now add their voices to the chorus, as Allan Bloom and other neo-conservatives rage against the sins of higher education. Falling in lock step behind Secretary of Education William Bennett, administrators and academic committees have joined a crusade for "accountability" that promises students no less than urine tests and civics exams upon graduation. With each new Book-of-the-Month Club selection, with each "official" report on the dismal state of historical knowledge among seventeen year olds, the airwaves and newspapers fill with interviews of seemingly benign and level-headed neo-conservative "experts," who warn us that the nation's culture is weakened and defenseless, thanks to rock music and a lack of vigilance on the part of liberals.

Neo-conservative concern for the quality of higher education in America is at best disingenuous. To be sure, we all bemoan cultural impoverishment and the left has long complained of the demise of historical consciousness. But, the right concerns itself less with a decline in critical thinking than with the dominance of certain ideas they dislike. The problem for Bloom is not so much that college students know no history, but that they understand it in a certain way, not that students have no culture, but that they embrace cultural traditions which offend conservative taste. Cultural relativism and liberal tolerance, the right argues, have so eroded absolute values that the nation's children, misled by the "antinomians" in charge of the academy, no longer believe in constitutional principles or the rule of law. The contextual interpretation

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of ideas and events, and "history from the bottom up" are to blame. Students do not revere the ancient truths of the Founding Fathers, nor do they remember the "important" names, dates and places. The authority of this knowledge must be restored.

Enter Russell Jacoby. Jacoby shares Bloom's ire for the academy, and he places almost as much blame on the university for the decline in America's political culture. Jacoby's book, however, suggests that Bloom's scattershot ranting, while perhaps aptly aimed at the university as an institution, is otherwise misdirected. Jacoby contends that the "long march" of leftist intellectuals through the institutions of higher learning has ended in a comfortable armchair. Radicals are neither seen nor heard. It would thus be hard to blame them for instructional inadequacies. If there is a "left" in the universities, it isn't doing much harm, from anyone's point of view.

Jacoby persuades one to suspect liberal institutions of higher learning, and to feel dismay over the decline in broader cultural bases for critical intellectual life. This is not all Jacoby says, however, and some of his key points are troublesome, particularly those concerning the failure of radical academics and their relation to the university. Some, though few, academic intellectuals do speak to wider audiences than those comprised of tenure committees and fellow specialists. Jacoby also does not acknowledge the latitude which the university, as a "tolerant" liberal institution, has allowed certain academic intellectuals to criticize liberal culture, including the university itself. Jacoby praises Noam Chomsky for devising a "critique of intellectuals as servants of power" and cites conservative journals for "exposés and denunciations of academic careerism and sophistry," but oddly misses the vast literature produced by leftist sociologists and historians exposing the history of "professionalization."

Even more troublesome is the exceedingly heavy burden of responsibility that Jacoby, like Bloom, places on intellectuals for the demise of a political culture. Bloom makes some sense when he cites the liberal academy for relativism and historical amnesia for, indeed, liberal tolerance has reigned for decades at the marketplace of ideas. Liberal academics, however, deserve only a small part of the blame for liberal culture and the society that nurtures it. The neo-cons champion the free-market and modernization, but forget that modernization and the cash nexus destroy history and tradition far more effectively than universities. Academics are at best the coroners in this demise, and generally they perform their post-mortems after even politicians have played with the corpse. The most extraordinary quality of the recent media hoopla about the academy is that virtually no one has connected the purported decline of historical knowledge with its violation at the hands of our national leaders. Should we expect children to learn their history, when "unhistory" serves power so well and so publicly?

The same argument applies to Jacoby and *The Last Intellectuals*. Although he

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has a much more complex understanding of the university than Bloom, Jacoby analogously attributes to the left and leftist ideology some of the creations of a broader political universe. Because leftist intellectuals have never been "inherent opponents of institutional power," Jacoby argues, the university seduced them into abandoning true public venues and accepting the stultifying terms of professional employment. It may be true that leftist intellectuals were drawn to the university out of desperation, but it is hard to accept that the Marxist left (as distinct from anarchists like Chomsky) had a special ideological weakness for academic power, simply because it accepted institutions in general. Bloom blames liberals for the cultural and political currents in which they swim. Jacoby blames the left for accepting a liberal institution with which it always had an uneasy relation.

The far more crucial issue raised both by Jacoby and by the neo-conservative assault on the liberal academy is the death of the liberal political culture of which the university was only a part. Whether it is because of stances on particular issues or because tolerance has declined, we have seen both a contraction of criticism by those with the means (for example, journalists), and a retraction of the means from those with the will. Recent trends in university administration suggest that it isn't just the manner in which universities have done business over the past years that has closed the radical mind. The business that is now being done to universities has also had its effect. If the behavior of academic directors is any clue, the university is discarding its role as the liberal institution *par excellence*. State regents and university administrators across the country are taking in the slack that once allowed a minimum of critical academic discourse. The ascendency of neo-conservative educational ideology is only one symptom in a larger reordering of intellectual production at the university. As is clear to anyone who entered the job market in the humanities within the last ten years, university administrations have not only shifted priorities over to defense research, but also have changed the academic labor market and work experience. The erosion of tenure is only part of a process that includes hiring larger percentages of part-time and adjunct instructors, increasing teaching loads, breaking university unions and openly attacking customary academic freedoms. This contraction in the marketplace of ideas could have a dramatic effect on the future of academic and non-academic intellectual life. What will happen to leftist academics as their position in the university is marginalized, along with that of most other new comers? As the university becomes increasingly inhospitable, can we expect a new crop of public intellectuals? Or will academic radicals, in the struggle for professional survival, completely lose their last vestiges of integrity?

These are not easy questions to answer. As Jacoby makes so clear, the world outside the classroom presently offers little support for a cultural and intellectual alternative. A liberal political culture that once supported radical discourse at its edges is nearly defunct. But the accompanying decline of the

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university as a liberal institution of intellectual production suggests that the future of radicalism ought not to depend on the future of liberal institutions or liberal political culture. Perhaps we should take heart at this development. Jacoby associates his own critical perspective with his academic (and therefore social) marginality. We might look to similar kinds of marginality for intellectual life in the future. I don't mean bohemian forms of individual alienation, which Jacoby rightly discounts as sources of enduring intellectual opposition. I mean those sections of society that the right and the so-called moderates (that is, moribund liberals) seem intent on closing out of the social contract — labor, women, new and old ethnic sub-cultures. As those social margins widen, so too could the basis for social and political criticism — a truly public intellectual life. While we cannot expect this to be an an easy future, we can hope that it will be a vital one.

Jacoby's Paradox

Moishe Gonzales

Jacoby's book is clearly meant to infuriate the people it discusses, and no doubt it will. Today's intellectual carcasses do not like to hear that the last viable bunch of intellectuals bit the dust a generation ago. Thus, from disdainful outright rejoinders simply affirming the obviously wrong, i.e., that public discourse thrives in unlikely places such as *The Voice Literary Supplement*, to tame acknowledgments that, yes indeed, something has declined, the general reception so far has been, and is likely to remain, mired in the book's conventional and therefore conservative assumptions. This is easily explained. To the extent that the only people reading Jacoby's book (or, for that matter, reading anything today) are intellectuals, they are unlikely to question themselves as a group or even less the symptomatic role they have played in the past half century, not to mention the one they are likely to play in the foreseeable future. Identity crises and feelings of powerlessness typically associated with intellectuals — marginal or otherwise — hardly ever go as far as to precipitate quandaries concerning intellectuals' very givenness or what they mean in terms of the character of the broader social landscape. Jacoby never questions the

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legitimacy of intellectuals. Therefore he can bemoan their disappearance as public figures as an indication of decline. That the presence of intellectuals as public figures may be a social pathology rather than the natural expression of a healthy society never enters his analysis.

Intellectuals' perception of intellectuals has always been problematic. The left has never really been able to accept them as a legitimate autonomous group, while the right could only deplore them as what Gramsci called "traditional intellectuals," i.e., agents of cultural reproduction and innovation rigidly operating within the officially perceived logic of the given. Intellectuals never really found an identity as the embodiment of the social conscience in any serious social or political formation, except in elitist groups such as the Bolsheviks or conspiratorial anarchist sects caught in the contradiction of constantly affirming the goal of eventual self-suppression in the process of preserving their separate identity. Historically, anarchists have been anti-intellectuals, since they rightly perceived the division between intellectuals and masses as reintroducing new sources of elitism and domination, while Marxists have only been able to accept intellectuals as, at best, temporary catalytic elements not meant to remain after the successful realization of the process of social transformation they advocated. That they were fated to become the New Class powerfully described by Djilas, Konrad, Szelenyi, Gouldner, etc. after the institutionalization of "really existing socialism" and the welfare state does not alter this predicament.

Jacoby is surprised that intellectuals a) rushed into the university as soon as doors opened, and b) ceased being *public* intellectuals after they were tenured. Why the surprise? As marginal figures within a modernizing division of labor that rendered them increasingly irrelevant as spokesmen for universality against the venal onesidedness of particular interests, they had to redefine themselves once the public sphere that had sustained them gave way to the culture industry and mass politics. As luck would have it, the same welfare state that had successfully phased out any lingering public sphere by bureaucratizing everyday life also required a better trained labor force to feed into the new capital-intensive productive apparatus. The new universities needed to train this new labor force themselves required a substantial amount of manpower, thus generating precisely the kind of opportunity displaced ex-would-be-public intellectuals desperately needed. So they became professors. At any rate, no matter how intrinsically problematic their role may have been, the disappearance of public intellectuals has nothing to do with moral flabbiness or, more crudely, selling out, but with the disintegration of the public sphere.

Were this the only problem, it could be approached by devising ways to reconstruct the public sphere — an unlikely project, given present conditions, but not impossible in principle. What neither Jacoby nor his critics have considered is the problematic character of public intellectuals as such, and

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the extent to which they presuppose precisely the kind of alienated society they seek to transcend. Even in a mythological past (the 1950s?) typified by a thriving public sphere (ignoring for the time being McCarthyism or, much earlier, the Red Scare) the figure of the intellectual was problematic. C. Wright Mills himself — not accidentally, after he had become a sociology professor — could speak as he did only because, in his own account, there was no public which would otherwise have drowned his voice with dozens of competing ones; and the more politically engaged "public intellectuals" usually had class representation in the back of their mind when they came forth with their criticism. This peculiar predicament could be resolved, and in fact was resolved, by institutionalizing and rationalizing these intellectuals as internal control mechanisms by hiring them to bureaucratic positions within the appropriate government agencies to regulate the welfare state; or they were employed in universities to more effectively reproduce the predominant culture and educate a new, technologically sophisticated labor force. In the age of OSHA and think-tanks, the unattached free-floating intellectual is superfluous. Were he ever to become a potential threat as a critic — *pace* Ralph Nader — he would be immediately be given an institute, an organization, or at least end up mothballed in some university. (Fortunately, politically-minded intellectuals who saw themselves as class representatives either changed their mind and became more marketable neo-cons, or else they faded further into marginality, thus avoiding the well-known pathology of *Parteilichkeit* or of officially sanctioned cultural agents, which would have been their fate had their plans panned out.)

The disappearance of public intellectuals is thus not in itself a *symptom* of a new and growing social ill, but part of what was thought to be the *solution* to one of the problems of *lassez-faire* capitalist society: the inability of the allegedly self-regulating society to automatically regulate itself. Free-floating intellectuals could exist, on the one hand, so long as social disruptions remained officially ignored and, on the other, the predominant division of labor did not have any systemic need for "men of letters" or social critics. The eventual integration of technical intellectuals within the bureaucracy and of humanistic intellectuals within the academy is one possible welfare state solution to the problem. Thus, not only are Jacoby's public intellectuals as obsolete as he makes them to be, but so much the better. Today no intellectual whose criticism comes even close to the mark can effectively resist the lure of the system.

Fortunately, unfortunately, or otherwise, the story does not end here. Such a smooth welfare state integration closes the book on intellectuals only so long as the welfare state itself remains a viable project — something it clearly has not been in almost two decades. Thus, not only is Jacoby wrong in bemoaning the disappearance of public intellectuals, he is also a little too late: he has written their obituary over twenty years after their demise. The real question today is the role of the intellectuals in the post-welfare state — a society

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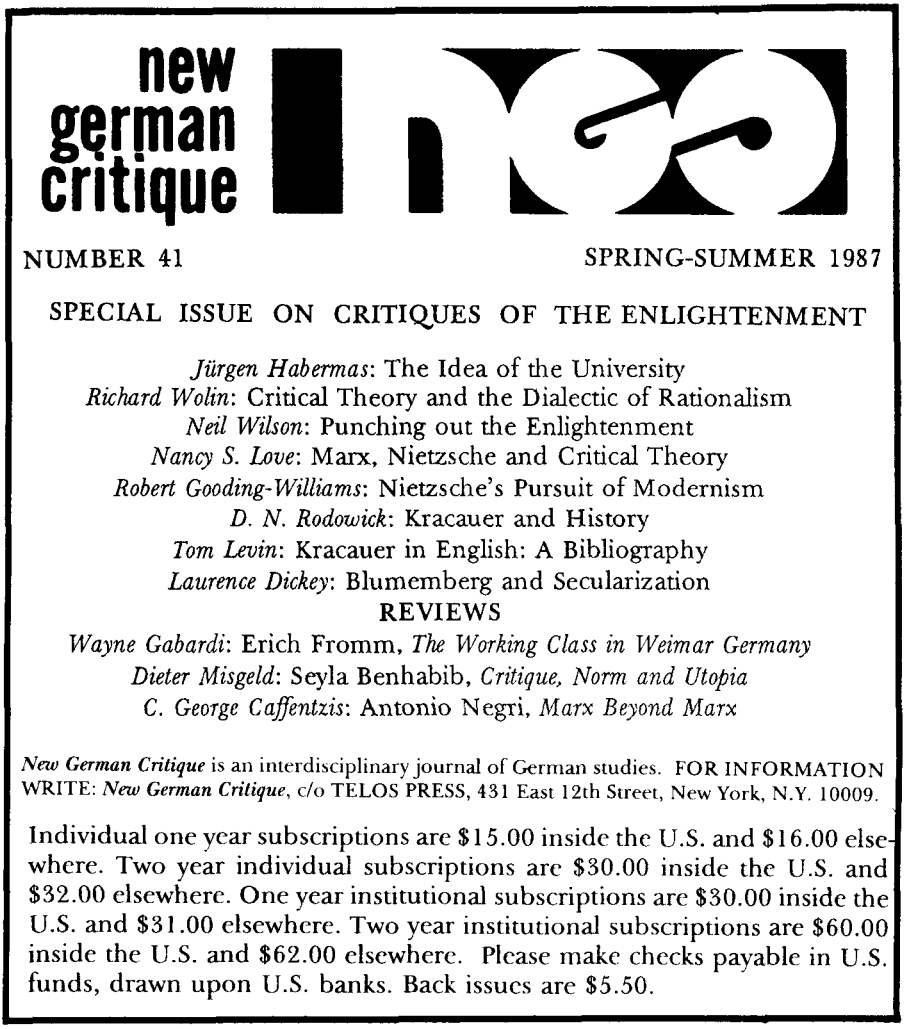
characterized by the paradox of both conservative Republicans and neo-liberal Democrats seeking to dismantle the welfare state by actually extending it. In such a context, lingering, not yet fully integrated would-be "public" intellectuals continue playing the role of their predecessors while longing for their earlier fate. It is no accident that, after he is done bitching and moaning about academics, Jacoby will still be trying to become one of them. But this book will have made him so many enemies that, notwithstanding his well deserved new notariety, he will be forced to remain a "public intellectual."



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